

T H E
Parliamentary Register;
O R
H I S T O R Y
O F T H E
PROCEEDINGS AND DEBATES
O F T H E
HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the HOUSE,

DURING THE

SECOND SESSION of the SEVENTEENTH PARLIAMENT

O F

G R E A T B R I T A I N.

V O L. XXXIII.

L O N D O N .

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I N D E X

TO THE

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IN THE

HOUSE OF COMMONS.

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THE
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF COMMONS,



In the SECOND SESSION of the
Seventeenth Parliament of GREAT BRITAIN,
Appointed to be holden at WESTMINSTER,
On THURSDAY the 25th of NOVEMBER, 1790.

Thursday, 3d May, 1792.

MR. Chancellor PITT moved the order of the day, which was, that the bill for the encouragement of the growth of timber, for the naval service, in the New Forest, in the county of Southampton, be committed to a Committee of the whole House.

Mr. FOX said, there did not appear to him to be any particular urgency, that made it necessary that the bill should pass this session, and therefore he thought it better to wait till they had received all the reports that were to come from the Committee, and taken the whole into consideration, previous to the House coming to a vote upon it. There were in the present bill, several matters that appeared to him to be exceedingly objectionable; in particular, the changing copyholds, and even leaseholds, into freeholds. The right honourable gen-

tleman, when he first opened the bill, had done it rather slightly, and had not said a word in explanation of various important considerations to which the provisions of the bill referred. Upon the whole, he, for one, did not by any means approve of the system, with respect to the Crown lands and forests, that the right honourable gentleman had adopted; and he repeated it, that he saw no urgency for the bill's passing this session.

Mr. Chancellor PITT said, when he had introduced the bill, he had fully opened the nature and extent of it, but that the House were in possession of what must have given to those who wished to understand the subject of the bill, much more satisfactory information than any opening of his could do, viz. the Reports of the Committee then upon their table. He stated, that the New Forest, from its situation, lay most convenient for the transport of timber for the use of the navy either to Portsmouth or Plymouth. That it had been found to be in such a condition, that if proper care was not immediately taken, no timber fit for the public service could be produced there for many years; that, on the contrary, under the provisions of the bill, a considerable quantity might be yielded in a few years. He summarily mentioned the object of the several clauses, and shewed that they were, with great pains, and, he trusted, with some success, adapted to the nature and circumstances of the case. He explained upon what principle it was that the copyholds were to be converted into freeholds; stated the whole doctrine of estovers; and said, the property of the Crown would not be injured by the bill, but, on the contrary, would be very considerably improved, and the New Forest be rendered productive of revenue in an eminent degree, which would be applicable to the public service.

Lord SHEFFIELD said, it had been his opinion, that the best means of rendering the Forest lands advantageous to the Public, would be by making them private property, not merely for the sake of the money for which they should sell, and the expence that would be saved, but because the lands would become, in private hands, infinitely more productive. Since he had considered the subject more fully, he was disposed to think it might be advisable to keep the forests in the hands of the Crown, that is, if they are to be regulated entirely for the growth of timber; the great distance of the profit, the want of

competition for large timber, and the consequent inadequate price, discouraged individuals from suffering trees to grow to that size, which was necessary for our great ships; and he thought he might venture to say, that in a short time there would be no large timber in the country, except, perhaps, in the parks of men of fortune, or in forests. The eleventh Report of the Commissioners is well worth the attention of the House, and is very satisfactory on this subject. He then said, that he wished the bill had no other object but the encouragement of the growth of timber. He hoped that part of it which allots so considerable a number of acres for deer, the greatest enemies of trees, would be given up. The Royal Family could derive little or no satisfaction from the intended Park, at such a distance; besides the loss of the land, it would be a source of expence, and could answer no purpose but to furnish perquisites and occasion abuse. He observed, that the system of inclosing land for the growth of timber, and then laying it open, was absurd; when opened, there was an end to all succession of young trees. He said, the forest, under such regulations, would not produce so much timber as half the quantity of land regulated as were the woods of individuals. It would be better to allot the lands least favourable to the growth of timber to those who had claims, in lieu of all rights, and to inclose the rest for ever. He hoped there was an intention to bring forward a general bill for the encouragement of the growth of timber, and that some of the principles of the present bill would be adopted, particularly that part which enfranchises copyholds from all those mischievous manerial rights which check improvements. He said, he resided in that part of the kingdom where oak timber is supposed to grow the best; that passing through the country, the copyhold lands were immediately distinguishable by their nakedness; for that no copyholder would suffer a tree to grow till it became timber, and to encumber the land for the benefit of the Lord. He knew the extent of the mischief, and that it was great; and therefore, if some more proper person did not, he should, another session, propose to the House a bill for the enfranchisement of all copyhold lands in respect to timber, for an adequate compensation; and also to free them, as the present bill proposes, from heriots, reliefs, and fines, at the will of the Lord, those disgusting re-

mains of the worst kind of feudal rights, which are of little benefit to the Lords of Manors, and are oppressive and mischievous in a great degree. He should not propose to take away any rights that were necessary to the amusement of the owners of the manors. He only wished that copyholds might be timber free, and that heriots and arbitrary fines might be compensated ; one checked improvement in the breed of cattle, and the other in respect to buildings and agriculture. He added, nothing could be more odious than the custom of the bailiffs of the Lords of Manors hovering round the house of a person on his death-bed, and the moment that the family is in the greatest distress, rushing in to seize the best cattle, or best furniture ; and if they do not find enough to their mind, seizing favourite dogs. He concluded by saying, we had better part with such unworthy and unnecessary privileges for a valuable compensation, than wait till they have been wrested from us with all the violence that has been experienced in a neighbouring kingdom.

Mr. FOX still thought, that it made no manner of difference, whether the bill passed this session, or a session or two hence, at least that part of it which related to the conversion of copyholds and leaseholds into freeholds.

Sir JOHN CALL gave some reasons in support of the bill, the necessity of which he strenuously urged.

After farther debate, the bill passed through the Committee, and was ordered to be reported this day.

Sir BENJAMIN HAMMET moved, " That the report
 " of the Committee on the bill for making the estates of bank-
 " ers and other traders subject to the payment of their debts
 " after their decease, be taken into consideration on Tuesday
 " next."

The ATTORNEY GENERAL said, that this bill was of an extraordinary nature, and he was convinced would be of so dangerous a tendency, that he should move that the farther consideration should be postponed to this day three months. He said that gentlemen, when they allowed it to be proceeded in, were not aware what sort of a bill it was. If allowed to pass, there would be an end at once to all the distinction which the law made between simple contract debts, and debts specially. If a banker had an estate of 10,000l. a year, some unthinking

persons might, if this bill passed, think they had this estate as a security for the money they should deposit, when the next hour this estate might be mortgaged to the amount of 9000*l*. a year or more, so that in fact this would be no security whatever, but be a lure and false security of bankers to the destruction of the property of unwary persons. The proper, and the only fair way by which bankers could be estimated, and the safety of dealing with them be depended upon, was from the candour and probity of their transactions, and the established reputation and solvency of their house as bankers, not the amount of their real estate. He complimented bankers in the metropolis in general on their character, but lamented the late increase of them so much over different parts of the country. It was hardly possible to go into a country village now, where the Red Lion was not on one side, and a banker's shop on the other. He said, that this bill was much too loosely worded—Bankers and other traders thus could not be defined; it required at least the summer to consider how a bill that might so materially affect trade, should be framed. He, therefore, moved, That instead of the words "Tuesday next," he inserted the words "this day three months."

Mr. DRAKE said, he had been inclined on first hearing of the bill to wish well to it, and he believed he had signified his intention of giving it his support. But in consequence of what had fallen from the right honourable and learned gentleman, he rose to confess his penitence and make his retraction. He conceived the House to have been much indebted to the honourable and learned gentleman for having opened their eyes to the danger of the bill, and he trusted that they should in future have the benefit of that honourable gentleman's abilities, and that he would faithfully discharge that most essential duty of attending to the bills that were introduced into that House, watching their construction, correcting what was erroneous in them, and preventing them from passing with that shameful inaccuracy that characterized too many of their bills, and disgraced their statute books. Mr. Drake declared he should vote for the amendment.

Sir BENJAMIN HAMMET defended his bill, and endeavoured to prevail on the House to suffer it to wait for decision till another day. He pointed out the difference between

bankers and private gentlemen, the latter having no concern in trade, and the former being avowedly traders. He said, he had not presumed to introduce the bill, without having consulted legal authorities. He had conferred with the first legal authority on the subject, and he concurred with him as to the principle of the bill, although he stated some caution as necessary to be attended to respecting its detail and provisions.— Having Lord Kenyon's sanction, as far as it went he had flattered himself his bill was to that degree unexceptionable, that it would only require amendment in the Committee to render it proper to pass. He reminded the House that a bill on a similar subject had formerly passed that House, and was lost in the House of Lords. He said, he had a copy of that and also a copy of another bill, which had been introduced prior to that, made out by Mr. Benson; that they contained clauses which he deemed improper, and had therefore not introduced them in his bill, but he mentioned them to convince the House, that it was not a new idea on which he had proceeded. Sir Benjamin pressed the House extremely to entertain the bill, and hoped, that the right honourable and learned gentleman, when he had more time to reflect on it, would be reconciled to it. He reprobated the idea of a banker resorting to the statute of limitations, declaring that it was impossible almost to imagine that any man in the profession, who expected to preserve any degree of credit, would refuse to pay a bill, be the time at which it was dated what it might. He mentioned the case he had formerly stated of a banker having purchased a large estate, and his partner taking alarm at it, and having withdrawn his money from the firm, thus by an early act of prudence obtained a full payment of the demands of the creditors. Since the bill had been under discussion, he said, a very honest and worthy man in the profession had died, and had previously given his note for a very large sum to a customer. Upon his death his personal estate had been found inadequate to the discharge of his debts, and his widow to this day refused to give up the landed estate to the greatest creditor.

The ATTORNEY GENERAL, in reply, took notice of what had fallen from Sir Benjamin Hammet, and expressed some degree of surprise at his having stated, that he had consulted a legal authority of such eminence and deserved respect,

as he had quoted. He declared, it was the more extraordinary that such an authority should have signified any thing like an approbation of the bill, when in point of fact, there was scarcely a man in Westminster Hall who had not reprobated the bill as dangerous to a degree, and blamed him personally for not having resisted it in the first instance. The worthy Alderman seemed to limit his defence of the bill solely to bankers and traders, whereas, if the principle were admitted with respect to them, it must necessarily extend to every description of men. There was not one gentleman in that House, who as far as money concerns went, was not occasionally a merchant. They all at times drew bills of Exchange, accepted bills, and passed them, and therefore what referred to a greater security from bankers, might refer to them. With regard to what Sir Benjamin had said, of the private estates of bankers being an additional security to their creditors, they all knew that no man who kept money at a banker's thought of asking the banker to shew him his private deeds, or the writings of his estate. They rested their security on other considerations, on the known honour of the House, and on the established credit of the banking shop. Bankers, the Attorney General said, were but as a handful of men, one of the number of those who were subject to the bankrupt laws. They were but few compared to other traders, though of late, he owned, they had increased much more than he could have wished. The question was then put, and the amendment carried.

The order of the day having been read for the House to resolve itself into a Committee on the Westminster Police bill, the Speaker left the chair, and Mr. Minchin took his seat at the table.

Mr. BAKER began by a preliminary objection to the bill, on the ground of the additional patronage it would give the Crown, and contended, that it was the duty of Government to appoint fit persons to discharge the office of Justices of the Peace for Westminster and the districts to which the bill extended.

Mr. BURTON entered into a full justification of the bill, the object of which, he said, was to provide a set of gentlemen of character and abilities, to take upon themselves the office of Magistracy, and to be paid for their trouble by fixed

and known salaries. He stated, that all Justices of the Peace, throughout the kingdom, were in fact at present appointed by the Crown, although it was usual to compliment the Lord Lieutenants of counties with paying attention to their recommendation. It was, he said, well known, that it was difficult to get fit persons to act as Justices in Westminster and its environs, and that thence arose the number of trading Justices, as they were called, at the offices of whom, great abuses, to the oppression, injury, and inconvenience of the subject, were practised. Under the present bill, it was hoped, that the police of Westminster would be improved, and justice be more equally and fairly distributed and administered than it was at present.

Mr. BOUVERIE did not relish the idea of having Justices, who were paid for their services, removeable at the will of the Crown, and therefore suggested the idea of putting them on the same footing with the Judges, and letting them remain in office, *quamdiu se bene gesserint*.

Mr. BURTON said, he meant to limit the duration of his bill to three years only, and therefore he thought the honourable gentleman's suggestion unfit to be adopted.

Mr. Secretary DUNDAS said, the reason which induced him cordially to support the bill, was, because it enabled the executive Government to appoint a set of Justices, for whose conduct Government itself would be responsible. The police of Westminster at present was miserably defective, and the reason was, there was no responsibility. There did not, he declared, pass a week, scarcely a day, without his receiving letters of complaint upon the subject; and it was perfectly well known that he had no means of remedying any complaint whatsoever. He therefore heartily wished that it should not be in the power of any Secretary of State in future to give such an answer, but that he should be responsible for the conduct of such Justices as should be appointed under the powers of the present bill. As the case now stood, every body knew, that if any urgent occasion for the assistance of a Justice of the Peace offered, they could not go to the next office, but were obliged to select some particular Magistrate, and to reward him extraordinarily in order to encourage him to act with firmness and vigour; it would be extremely hard if they left Government ex-

posed to the censure of neglect in this particular, and would not give them the means of doing their duty. He therefore hoped, the House would in candour and fairness permit the experiment, which the bill proposed, to be put to the proof.

• Mr. Hawkins Browne, Mr. Cawthorne, Lord Carysfort, Mr. Mainwaring, and various other gentlemen, delivered their sentiments, till at length it was agreed, that the Chairman should report progress, in order to afford Mr. Mainwaring an opportunity of introducing a set of resolutions, which he wished to be made a part of the bill.

• The House adjourned.

Friday, 4th May.

Sir CHARLES BUNBURY moved, “ That there be laid before this House, copies or extracts of letters from Governor Phillip, or any other officer, giving an account of the nature and fertility of the land in and adjoining to any settlement in New South Wales, and of the probability there is of raising any, and what provisions thereon, and of the behaviour and employment of the convicts sent there, and which have been received since the last accounts were before this House.”

Mr. Secretary DUNDAS seconded the motion, and expressed his obligation to the honourable Baronet, for having moved the production of papers, which would at once destroy the many calumnies and lies which had been so industriously propagated in the last fortnight, though for what purpose he could not conceive, against a colony which promised to be highly beneficial, and of considerable importance, to this country.

The House adjourned.

Monday, 7th May.

Mr. TAYLOR moved, “ That the petition presented by the Grand Jury of Middlesex, complaining of the evils which attend the drawing of a State lottery, might be referred to a Committee appointed to inquire into the effect of the State lottery.” Ordered.

• The House adjourned.

Tuesday, 8th May.

The LORD ADVOCATE OF SCOTLAND gave notice that he should, in a few days, move for leave to bring in a bill for regulating the mode of accounting in the Royal burghs of Scotland.

Mr. FOX observed, that his honourable friend (Mr. Sheridan) was unavoidably absent, and could not possibly attend his duty in Parliament until the beginning of next week. He wished the discussion of this subject to take place in his hearing. He had good reason to believe that what the learned Lord now gave notice of would fall very far short of what Mr. Sheridan intended to bring forward, and certainly very short of what he himself felt to be the justice of the case with regard to the Royal burghs. Grievances had been stated to exist, and which he believed to exist, if not in so great a degree as had been stated, much farther than the admission of the learned Lord, on a former debate on this subject. It appeared, therefore, to him, that the only mode which the House could adopt, consistent with the least appearance of regularity, would be, first to ascertain precisely what grievances do exist, and what grievances do not exist, and then to begin to apply the remedy; but the present mode was nothing more than a partial remedy to a partial grievance; and, perhaps, inadequate to its own end.—However, the learned Lord would use his own discretion upon this subject. This step could not possibly preclude his honourable friend (Mr. Sheridan) from bringing forward afterwards whatever might appear to him to be proper upon the subject.

Mr. Fox moved, “That the petition from the electors of Westminster, praying an inquiry into the reported interference of persons high in office in the election for Westminster, and into the alledged abuse of the Excise and Lottery laws, by a remission of penalties, &c. be read.”

It was accordingly read by the clerk, and signed by upwards of one thousand of the electors of the city of Westminster. It stated the circumstances of the case, as it appeared against Mr. Rose in a trial between him and Mr. Smith, the publican, in Westminster, before Lord Kenyon, and a special jury, in the Court of King’s Bench; the abuses of the Excise fine; the

suffering a person of the name of Hoskins to avoid the penalty of the Lottery, and get out of prison on sham bail, on undertaking to poll sixty persons for Lord Hood; the part which Mr. Rose was said to have taken in this business;—the whole, in the opinion of the petitioners, totally subversive of the rights of election, &c., &c., praying that an inquiry might be had, and such steps taken, as to the justice of the House might seem meet.

• Mr. Fox said, he should apprise the House, as concisely as he could, of the points on which he should submit the matter of the petition to them. It appeared to him that this question was in many views a very important one. First, it was important that the people of this country should feel a general satisfaction with respect to the execution of the laws, particularly of laws which, to say the least of them, were in themselves hostile and oppressive, and their institution defensible only on the public principle of state necessity and safety. Secondly, it was important that the people should feel and be convinced that their representatives conduct themselves as they ought to do; especially that they took care to prevent the abuses of the law. And as to the abuses of the law, this was not the time for him to enter general observations on the laws of Excise; it was enough for him to say, that he had opposed their extension with as much, and as uniform, zeal and ardor, as the House had lately thought it fitting and proper. With respect to the other part of the law alluded to in the petition, the Lottery, he should only say, that this also was not a very popular one, and therefore the less fit to admit of abuse. The Lottery, like the Excise, was a measure arising out of State necessity, and therefore the Public had a right to expect that the officers of the Crown would never suffer abuses to take place in it; and that whatever regulations were made to prevent the mischief, which would otherwise attend a lottery, should be punctually enforced. In this view of the case, it became highly material for the people of this country to have reason to think that this law, which became so necessary for the produce of the revenue, was faithfully applied to that purpose, and not for any unfair practices of election influence and corruption.

It appeared, he said, on the face of the petition just read to the House, that there were the strongest grounds of suspecting

the Secretary to the Treasury, to have made use of this law for election influence and corruption. He should not blame interfering in the capacity of private individuals at an election; but when persons interferred openly in the character of servants of the Government of this country, it was monstrous, and what the people should not suffer. It appeared also, that while Mr. Smith, the publican, acted for the servants of Government at the election, the penalty of the excise, of which he had been convicted, was not levied; but when he changed that character of service into a claimant of a sum of money for his trouble, the penalty was levied on him. Were these mere assertions? Did the House require evidence of them? There was evidence, and that of the very best kind, the record of a Court of Justice. There was farther, and collateral evidence. An honourable Member of that House, who represented the town of Liverpool, had given some information on the subject; he had given some account of some correspondence between Mr. Smith the publican and the honourable Secretary to the Treasury, therefore the House had enough, if they wished to consult evidence upon the subject, before they came to a vote for inquiry into the whole case. But he had much more than this to urge. This was the conduct of Mr. Rose himself.—When accused on a former day, of these dishonourable practices, he rose, for the purpose, as he said, of giving a complete account of the whole business, such as to satisfy every man in the House, that there was not the least colour or pretence for charging him with any of the practices imputed to him. How did he do this, first he denied the truth of the charge, and then said he had refuted it, consequently that there was no ground for inquiry. As a specimen of his accuracy, he was proved in the first and most material part to be totally mistaken. He said, with regard to the publican's petition, that praying the excise fine might not be levied, that he did in that case what he always did in every other of that nature, and nothing more, transmitted it to the commissioners; this was quite short of the fact; and when he was told—"You yourself are accused besides of sending a letter to two gentlemen of the excise, Mr. Vivian and another, and you have promoted a meeting between them and Mr. Smith, at the very time when this fine hung over his head, and the meeting actually took place—and that

too at your own house." " Oh yes, said he, I recollect there was something of a meeting—I kept horses with Smith," &c. That this meeting—at this time—in this place—between those parties—under these circumstances—might possibly be an innocent one, was what some very charitable man might be induced to hope; but when we know that he had interfered on a former occasion in this very business, and in others, and that it was so proved in a Court of Justice, the argument in this instance might be very much against him. But he would suppose, for the sake of argument, that although these things made the deepest impression upon him, they had no weight with others. He would then say, none but a guilty man would shun an inquiry. An honest man would wish for and demand an inquiry, when once accused. The more particularly so, when it was on a subject connected with Government. Indeed, he believed, there was no instance whatever on the journals of Parliament, where, in a case like this, an inquiry was refused. He remembered, he said, an inquiry having been called for in that House by Mr. Shove, and afterwards, instead of being shunned, was solicited by a relation of his, and was boldly met. Why? Because it was known that nothing could be proved upon the subject. Just so. Here the case was reversed. An inquiry was refused, because every thing may be proved upon the subject. There were other instances of inquiries in the course of the short time he had the honour to take part in the administration of this country, and all he could say was, that he was happy none of them were shunned or refused; he was glad they had acted as they had done.

The next business upon this petition was that of the lottery, and which was stated, and offered to be proved, in point of fact it was proved, that a person of the name of Hoskins had been charged with a penalty under the lottery act, and was in consequence of it a prisoner—that he applied to a person high in office for his discharge, stipulating that if his request was complied with, he would poll sixty votes for Lord Hood at the Westminster election—that the person to whom this offer was made did not think himself at liberty to conclude the bargain, but applied to the highest authority; this highest authority assented to the proposal, and this prisoner was accordingly discharged, through the medium of sham bail procured for that purpose. But the answer to this was—You do not name this

high authority. His answer again to this was a plain one—He did not name him because he did not know who he was—but this much was clear, that the whole of the bill for this business was paid by one of the Lords of the Admiralty. All that he could add on it was, that there was ample ground for inquiry, even in this year of opposition to inquiry; a year in which there had been more resistance to fair and candid inquiry than in any other two sessions of Parliament whatever. The old ground of objection was, that there should be no inquiry unless there was an assurance that something material should be proved.—He would pledge his existence upon the proof. It was proved that John Hoskins was discharged upon sham bail, on his undertaking to poll sixty votes for Lord Hood. It was proved, that this very transaction was paid for by Lord Hood in this very session of Parliament. There was written evidence upon this very subject. With regard to the connection of Government with this subject, had we not heard of compromises of various kinds, made between Lord Hood and his Solicitor, upon an action brought upon his Solicitor's bill; and had not Lord Hood undertaken to pay that Solicitor a large sum of money, for his services in the Westminster election, provided he would give up certain papers, and that one of these very papers was of the hand writing of His Majesty's Chancellor of the Exchequer, upon the subject of the Westminster election? He inferred from this paper, that the Solicitor of Lord Hood was in connection with the Chancellor of the Exchequer, and that he used his interest at the Westminster election. He had a right to use his personal interest at any election, and there might be no harm in his corresponding with the Solicitor of his friend; but the existence of such an intercourse gave a good deal of weight to an assertion, that such a Solicitor must suppose himself acting under something more than the bare and personal authority of an individual upon the subject. He therefore thought, that for the sake of decency it was right, that the public might see that the laws which operate so harshly, were made for the good of the public revenue, and that they should know that these laws have not been abused for the purposes of corruption; or, that if they have, the House of Commons were determined to punish, and not to screen the persons who are guilty. That House was, or ought to be, the representative

body of the people of England—as such, they ought to take all things relative to elections under their consideration. That House had often been called the Grand Judicature to regulate elections. They had always acted in that character. They were called the guardians and protectors of their own privileges. They had frequently taken up matters relative to election, and decided them. They had disfranchised the people of Shoreham. They had committed people to Newgate upon proof of corruption at election. Should it be said that corruption at election was a guilt for which the vulgar only should be punished, and which the great may employ with impunity at pleasure? Should we say that the low order of society, naturally more open to temptation, shall be punished with severity, for an act which was totally to be overlooked in their superiors? he hoped and trusted the House of Commons would not say so. It was true that this business had been once decided; and he admitted, that there was not much new ground to-day. But without saying much of that decision, he would just observe, that it was an instance which, from its peculiar nature, he should chuse in preference almost to any other, if it were his wish to calumniate the present administration, and to indulge the spleen of party feeling. The truth was, he sought no such advantage; he took this point up on a much broader and more liberal principle. There still were those in this country, who thought it essential to the safety of it, that there should be a House of Commons who did their duty to the Public; that sentiment alone would have made him wish to bring this subject again before the House for their deliberation, and those whom he had the honour to represent had thought it worth their while to instruct him with their sense on this subject. He now gave the House of Commons an opportunity to revise their judgement, and, if possible, to regain their credit. He thought an inquiry necessary, for the honour of the House, and the satisfaction of the public. He therefore moved, “That this petition be referred to the consideration of a Committee, and that they do examine into the matter thereof, and report the same, as it shall appear to them, to the House.”

Mr. GASCOYNE begged to observe, that what he was accused of originally was no crime. He had only said, that he

had taken a petition from George Smith, and delivered it. He did not wish any thing to rest on the difference of character or situation. Smith had stated that the petition was delivered, and that the Secretary to the Treasury had said, in answer, he should obtain redress; whereas the answer was, that it should be referred to the commissioners to examine.

Mr. FOX said, that he did not accuse the honourable gentleman of any thing; the impression he wished to make on the House was, that Smith had given one account of the fine in question; the honourable gentleman had given another; this proved that the thing itself had a foundation, and that therefore the House were called upon to inquire. He had no doubt whatever, the honourable gentleman did not wish the House to proceed on the distinction in the rank, character, and station, of the parties.

The question was then put on Mr. Fox's motion—a pause of a few seconds took place—

The House divided.

For the motion, 34; Against it, 81.

The House adjourned.

Wednesday, 9th May.

On reading the order of the day for the second reading of the Southampton poor bill,

Mr. M. A. TAYLOR moved, that instead of the word “Now,” the words “This day three months” be inserted. This amendment was carried without a division.

The Committee on the Newfoundland Judicature bill was postponed to Friday next.

The other orders of the day were deferred.

The House adjourned.

Thursday, 10th May.

Mr. Pearson from the Customs attending, was called in and delivered,

An account of the number of slaves imported, &c. The title was read, and the account ordered to lie on the table.

The House adjourned.

Friday, 11th May.

Mr. GREY observed that he had attended closely to the subject on which the Committee appointed to inquire into the practice and effect of imprisonment for debt had made their report, and which was printed for the use of the Members of that House. He was willing to acknowledge, that he was not yet ready to bring forward a plan, so that he must defer the farther consideration of the subject in that House to another session. However, he had reason to believe, that a noble Lord in another House had something to propose for the alleviation of the sufferings of those who are already in confinement for debt. He should therefore move a general resolution on this subject, as a pledge to the Public, that the consideration of it was not abandoned. He then moved, "That this House will, early in the next session of Parliament, take into consideration the matter in the said report." This resolution was agreed to.

Mr. Grey observed, that as the Minister stood pledged to give the House some information on this subject, he wished to know whether he was now possessed of the definitive treaty between Russia and the Porte? And if he was, whether he intended to lay it before the House?

Mr. Chancellor PITT said, that certainly Ministers were in possession of the definitive treaty between Russia and the Porte, and asked whether the honourable Member meant to make any motion.

Mr. GREY said, that he should have a motion to make upon this affair, and named Monday for that purpose.

Mr. FOX then called the attention of the House to the business of which he had given notice, relative to penal statutes, upon points of religion. He said, he had the satisfaction to hope, that the mode in which he should propose to discuss this subject could not fairly be said to involve considerations of Government, as had been alledged on former occasions, with regard to some topics which he had brought forward. The measure which he should recommend on this occasion was not, in his opinion, fit only in a country where the constitution was free, but such as he should recommend even in a state where

the government was despotic, because it was founded on justice, and was perfectly safe in policy. If then he should have little doubt of the propriety of the measure, even were the appeal made to a despotic Prince; how much more confidence should he have of success, where the application was made to a British Parliament. From a constitution so good, good fruits were to be expected. The subject he meant to bring forward, was one on which much had been written, and with regard to which, abstractedly considered, almost all mankind agreed, this was toleration—all agreed that toleration was in itself abstractedly just. But difficulties had arisen in the minds of some persons, though in his own there never had; these difficulties had arisen as to the application of the principles of toleration. Much of this difficulty was thrown in his way when he moved for the repeal of the Test and Corporation acts. He appealed to those who opposed him at that time, whether they did not do so upon the ground he had stated. They alledged that though toleration itself abstractedly was a matter of justice, yet to extend it at that time, under the then existing circumstances, to the persons on whose behalf he urged it, was politically unsafe. He was now therefore ready to confess, although he lamented the necessity of it, that for the present he had abandoned the idea of a repeal of the Corporation and Test acts.—He should, however, not fail to renew that application whenever he should have the least encouragement or prospect of success. It had been said by some persons, that although toleration was of itself abstractedly matter of justice, yet, that in political speculation it should never be allowed to intrench upon, or endanger existing establishments. The converse of this appeared to him to be true policy, and that no defence of any establishment whatever should be built on principles repugnant to toleration. Toleration was not to be regarded as a thing convenient and useful to a state; but a thing in itself essentially right and just. He, therefore, laid it down as his principle, that those who lived in a state where there was an establishment of religion, could fairly be bound only by that part of the establishment which was consistent with the pure principles of toleration. What were those principles? On what were they founded? On the fundamental, unalienable Rights of Man! It was true there were some rights which man should give up

for the sake of securing others in a state of society. But it was true also that he should give up but a portion of his natural rights in order that he might have a government for protection of the remainder. But to call on man to give up his religious rights, was to call him to do that which was impossible; he would say that no State could compel it—no State ought to require it, because it was not in the power of man to comply with that requisition.

But there were those who said, although a man could not help his opinions, yet that, unless under certain restrictions, they ought not to be made public; for that whatever rights a man naturally had, he gave them all up when he came into society, and that therefore religious liberty, among the rest, must be modified for the good of society; so that by the liberty of man was meant nothing more than that which was convenient to the state in which he lived, and under this idea penalties on religion were deemed expedient. This he took to be a radical error, and for the reason he had assigned already—that it was not in the power of man to surrender his opinion, and therefore the society which demanded him to make this sacrifice, demanded an impossibility. What then did this lead to—that no man should be deprived of any part of his liberty, with respect to his opinions, unless his actions derived from such opinions were clearly prejudicial to the State. There were three different situations in which a man might be placed in regard to religion—a total indifference to it, as was the case with the Pagan world before Christianity was known, and also with those who did not now believe it. Upon this, he referred the House to the History of the Decline and Fall of the Roman Empire, written by an honourable gentleman, who was once a Member of that House (Mr. Gibbon); he had said, that persecution in the Pagans was less criminal than in Christians, because the Pagans had not the same doctrines that the Christians had to teach them the principles of toleration. Another situation that diminished the cruelty of persecution, or rather rendered it less criminal, was, a state of Popery; for these deluded persons, in the time of bigotry, thought, that by persecuting those who differed from them, they were serving the cause of truth and justice, that God had inspired them with the true religion, and that they were serving him, while they were destroying their

fellow-beings ; although these practices were deplorable, yet as they were the mere effects of ignorance, the principle on which they proceeded diminished the criminality of persecution. The third state was, that in which we now are. The people of the country were neither indifferent about religion, nor were they blindly attached to any particular faith ; they were not Pagans, nor Popish bigots. For us there was no excuse for persecution. We know full well that religion was founded on a principle that should not, could not, be subject to any human power. There was a maxim, which was a thousand and a thousand times repeated, and yet by some as often forgotten, although there were not two opinions as to its propriety and justice, “ Do as you would be done by.” Would the members of the establishment be tried by this maxim—would they submit to be governed by principles which they themselves inculcate ; or would they proudly and impiously say that they were sure theirs was the only true religion, and that all who deviated from it, were devoted to eternal torment ? In this country we were governed by King, Lords, and Commons. No man would contend, that any of these powers was infallible ? Then why should the members of the established church proceed as if they were infallible ? for so they did, if they claimed exclusive privileges, and enforced penalties on those who differed from them. Upon what principle was an establishment to be maintained at all ? It was upon the principle of its being agreeable to the opinion of the majority of the people, and not surely upon the slightest pretence of infallibility. What should the Members of the establishment say to those who differed from them, “ You who differ from, as well as you who agree with us, are equal in rights, and have an equal title to enjoyments. We are neither pagans nor papists, we have learned to do as we would be done by ; if we were to persecute you for your opinions, we should, for aught we know to the contrary, be persecuting truth instead of falsehood ; come then, let us each enjoy the freedom of our own mind, and equally participate all social enjoyments.” Persecution was a word so odious, and toleration a word so generally embraced, that two opinions were not entertained on either ; and yet, strange to tell, much difference arose upon the application of them. The question then seemed first to be what really was

to be understood, by toleration. He thought that in defining this word, and conveying the ideas which he annexed to it, he ought to go much farther than proving that it meant the total absence of persecution—and that to refuse to any man any civil right, and an equal participation of civil advantage, on account of his religious opinions, was in itself persecution.

On these general principles, he trusted that it was not necessary to dilate farther. The question now was, what was, and what was not, toleration. In his own opinion, he declared, toleration ought to go beyond abstinence from persecution; but on his own opinion alone, he did not rely. He would quote the sentiments of a very eminent man (Archdeacon Paley.) He had declared himself to be a friend to complete toleration. The learned divine, however, meant more than it was his intention at present to propose. His motion he confessed to be limited. A future and a fitter period might be found to introduce a measure whose verge would be more ample, more extensive, and consequently more complete. Many persons opposed unlimited toleration from an apprehension that it might prove injurious to the state. To such he begged leave to say, that they ought first to be well convinced that it really would produce that effect.

The most moderate and the most enlightened men in this country, and those too Members of the establishment, were friends to general toleration. Indeed, the Chancellor of the Exchequer himself last year stood pledged for supporting the principles of general toleration, and had said that it was a matter not of favour, but of right, and that whether it should be granted, was only a question of justice. What were the principles of persecution? A condemnation of a man before he had committed a breach of the law. A principle which compelled us to be in a constant state of hypocrisy towards God and man; for it called on those who did not believe in the doctrines of the Church of England to give a constant attendance at divine service, and subscribe to the ceremonies of the Church. This was commanding hypocrisy by authority. It was ordaining by law that a man shall pursue that form of religion here which in his mind is to insure his eternal damnation hereafter. By this we said to a father, you shall not teach your

son that religion which in your soul you believe is to secure his eternal happiness. You are to chuse, either to teach him no religion at all, or teach him that by which you believe he will be damned to eternity. This was the true spirit of persecution, and was it the fact? Most unquestionably it was the case in the law with regard to Catholics. In the opinion of some there once was an occasion for these statutes—in his opinion there never was, nor would they have been adequate to the end proposed if there had, but now, there was not the shadow of excuse, for it had ceased. The most dangerous periods, the reigns of Elizabeth and James, did not justify even one of the penal statutes that existed. If such times, therefore, did not justify them, what argument could be used for their existence now? Sometimes attempts were made to defend the principle of persecution, by considering it as a mode of preventing the mischief that might arise from a propagation of erroneous religious opinions; it was alledged that it was the business of a Statesman to consider the effect of any religious opinion, and in that view, whatever appeared to him as dangerous to the State, he ought to prevent. The first part of this doctrine, namely, that of assuming any mode of religion to be wrong, was begging the question; but he must protest against the whole of this mode of argument. We had no right to construe what actions are to follow opinions. We should weigh actions before we pretend to judge of them at all. In order that we should guess what actions are likely to follow opinions, we should ourselves first have entertained those opinions; or if we guess at all, we ought to guess on the favourable side.—But there were no commands in the Church which might not safely be obeyed; or at least the Church of England was the safeguard of the State. Was this the fact? Was it not possible for a man to become a very bad citizen, even by implicitly obeying the doctrine of the Church of England itself? Most unquestionably it was; for the Church of England taught us that we were to make no resistance to the commands of the Magistrate, although they should be unlawful, or even unnatural; the doctrine was passive obedience and non-resistance, and consequences were to be left to a future state; this was the doctrine of James the second; this, it was true, was not now the law, but it was still the doctrine of the Church, and thus

by being a good Churchman, a person might become a bad citizen. What was the result of all this? That, as in the established Church there was so much error, that it could not be obeyed totally, without breach of moral obligation, and even of positive law, for a man may be punished for obedience to the illegal commands of a legal master, it is the essence of injustice to persecute any person for omitting to conform to this established religion. The old answer, he said, to all these arguments was, that the laws are obsolete, and that therefore the hardship is ideal. To this he must say, that what is claimed by the Unitarians and Socinians is nothing more than justice; and that there can be no great harm in removing from the statute book, that which we are either afraid or ashamed to enforce.

Of the doctrines of Arius, Arminius, and Socinus, he did not mean to enter into a discussion, because he was certain they did not in the smallest degree affect the state. It was not therefore the duty of the Legislature to interfere. The persons for whom he now interceded were Unitarians, some following the doctrines of Arius, others of Socinus. They intreated of the House not to establish them, but to relieve them from statutes of pain and punishment. If these statutes were too bad to be put in practice, they ought not to be suffered to exist.

An assertion had gone forth, of the existence of a party who wished to overturn the constitution. In order to counteract any such intentions, it ought to be the care of the House to banish all those imperfections which tended to disgrace and to injure the beautiful fabric. If a stranger wished to learn the constitution of Great Britain, he would seek for it in her laws. What would he say, when he discovered that the statutes of Elizabeth against Catholics, and of William against Unitarians, were still suffered to exist? Would he be satisfied with the information, that they were never used. No—He would contend, that if they were not used they ought to be repealed. Still, however, even the non-execution of them produced the worst effects, inasmuch as it tended to divide the people, and to afford some ground for the invectives of biggoted Churchmen.

Preceding the year 1641, four persons professing Unitarian doctrines had been burnt. Subsequent to that period lived Mr. Peeble, who was considered as the founder of Unitarianism;

he suffered persecution for his religious opinions from Cromwell and Charles the Second, and though his character was unexceptionable, the persecution against him did not in the smallest degree relax. But though the Unitarians were not now persecuted by the Legislature, they were in a manner under the lash of Divines of the established Church.

Dr. South, in speaking of them, had traced their pedigree from wretch to wretch, back to the devil himself. These descendants of the devil were his clients. This was the language of former days; more modern times had produced greater moderation; still, however, invective had not ceased. Dr. Halifax, speaking of Dr. Priestley, had said, that now he had stated his opinions, he had completed his crimes. Thus a declaration of an opinion had been gravely asserted to be criminal. Posterior to Dr. Halifax, the late Dr. Horsley had contended, that even the moral good of the Unitarians was sin; and however they served God, loved their kindred, and relieved the distressed, they were sinful because they were heretics.

To tell men in this situation that they were not persecuted, was to offer others the grossest of all insults. Adverting to recent events, would any man assert, that the Birmingham riots were not the effect of religious bigotry and persecution? Some had maintained that the people revolted not against Dr. Priestley's religion, but his political opinions. Granted, for the sake of argument; but could the publication of his sentiments be more imprudent than those of a member of the Church of England? This, therefore, he maintained to be an argument in proof of the existence of persecution against the Unitarians, inasmuch as the same mode of conduct adopted by two men had produced opposite effects, merely on account of the difference of their religious attachments. Having completed the statement, little more remained for him to do than to state the particular acts which he wished to be repealed.

It had been observed by some, and perhaps would be advanced to-night, that as far as regards the Catholics at least, persecution was at an end, from the bill which passed lately in their favour; but here it should be remembered, that a certain oath was required to be taken; to this oath he believed there was no objection amongst any of the Catholics; but were gentlemen aware, that among the poorer sort, many, from neg-

ligence and from economy, for some of them must travel a considerable distance before they come to a Magistrate, would omit the taking of this oath; the consequence is, that themselves and posterity are liable to all the penalties and disabilities of the ancient statutes. He then exposed the absurdity of continuing these laws after all pretext for them was at an end. He believed that if the House were to speak out fairly, there would be less objection, on constitutional sentiments, to admitting Catholics into it than admitting Dissenters. He objected to neither; but he believed that those who did object, feared more the principles of Dissenters who had, than those of the Catholics who had not, the right of sitting in that House; the one class were supposed to be republicans, the others were distinguished for an attachment to monarchy. The truth was, that there was no just or rational objection to either, and the effect of exclusion was hurtful to the community; for a man's virtue and abilities were the objects we ought to look to; his attachment to the welfare of the country, and not his speculative opinion upon religion, ought to entitle him to a seat in that House, or in any other office that might be serviceable to the State. Indeed, all these absurd, as well as unjust prohibitory statutes, were very destructive to the public welfare; and here he could not help taking notice also of the Marriage act—an act to which he was radically so much an enemy, that he should, whenever he had the least encouragement, make a third attempt to obtain its repeal. He had made two, and had succeeded in that House, but had always been thwarted in the House of Lords; the day, he hoped, would arrive, when he should have better fortune with their Lordships. The Marriage act it was his wish to alter in that part which provided an exemption only for Jews and Quakers. The necessity of a more ample exemption he proved from the case of two women confined in Nottingham jail, for non-compliance with the provisions of the Marriage act. In short, he declared it to be his wish to extirpate heresy by the old method of fire, not however by burning victims, but by burning the various noxious acts. He observed, it was with reluctance he gave up the repeal of the Test and Corporation acts; he did so in compliance with what he must take the liberty of calling the prejudice and groundless timidity of that House; and as he could not at once gain com-

plete justice, he would take it by piecemeal as well as he could. He must, by the way, be allowed to observe, that he was fully persuaded, nor had he ever heard any thing that shook his opinion, that the Test and Corporation acts proceeded from the very essence of persecution and injustice.

He might be asked, whether he would leave any punishment whatever for the publication of ribaldry, or ridicule? To this there was no answer necessary, as there was no law against it which he should propose to alter. The laws he meant, were against the publication of advised speaking: advised speaking, was solemn speaking; it was what a parent said to his child—it was what his conscience taught him to be truth. Mr. Fox concluded with intreating the House to reflect on the injustice of preventing any man from interpreting the scripture in his own way—on the barbarous, inhuman cruelty of saying to a man, “Read the scripture, study it, make it the guide and rule of your action and opinion; but take care you interpret it as the professors of the Church of England do, or else you shall be deprived of all the enjoyments which belong to a man in a social state. Read attentively, and understand clearly the whole of the scripture; but take care, in understanding it, you understand exactly as we do, or else you shall lose all the benefits of a member of society, every thing that is dear and valuable to you.” This was more unjust than even the practice of the ancient Catholics, praying in an unknown tongue, and refusing to the professors of the Christian religion, a perusal of the book on which Christianity was founded. The Church of Rome directed us to obey the precepts of a mild religion, which tended to make us good citizens without reading. The Church of England compelled us to read, but forbade us to judge. He should now move for the repeal of many of those statutes.—Many more remained, he had no doubt, and would hereafter be repealed. The reason why he preferred this mode to that of bringing forward any particular enacting law, was, that in making a new law, we knew not what would be the effect, but in repealing a bad law, we knew we did nothing more than justice. He then moved, first, “That the different statutes
“ of the 9th and 10th of King William, entitled, An act for
“ the more effectual suppressing of blasphemy and profaneness,
“ the 1st of Edw. VI. chap. 1.; the 1st of Queen Mary, chap.

7 " 3 ; the 14th and 15th of Elizabeth, &c., &c., &c.," be read, which being done, *pro forma*,

He then moved, " That leave be given to bring in a bill to
" repeal and alter sundry provisions in the said acts."

Mr. BURKE contended that the question was now no longer a theological question, but from the comprehensive manner in which the subject had been treated by Mr. Fox, it became a question of Legislative prudence upon a point of policy ; and he could not help congratulating the House and the public on the manner in which the subject was brought forward. It was claimed as a matter of justice, and not called for as the effect of any of the new and false lights of the day which had lately made their appearance, and would soon again disappear. He trusted that these lights and the principles which followed them, would be alike rejected in this country, and every thing that bore any resemblance to them, would be rejected, because to reject them would be the sober duty of every Member of that House, and what wisdom directed for the freedom of the State ; stripping the question, therefore of its theological vestment, he should take it up as a question of policy and prudence, and in that view he confessed he did not see that sufficient reasons had been urged for the repeal of those statutes, and he therefore wished to have it well understood in the House, that upon the grounds he spoke—prudence and policy—nothing yet had been said.

The question he stated to be, whether the House should go into a Committee for the purpose of examining the laws that had been enumerated. Before he delivered his opinion on the policy and prudence of the motion, he could not but congratulate the House on the delicacy used by Mr. Fox in matters of religion. Not one word had dropt from him irreligious, or even indifferent. Another cause of satisfaction to him, was deduced from the discovery that the House was untainted and uncorrupted by those false principles which had been so amply circulated without doors.

Alluding now to the policy and prudence of the motion, he confessed that he had heard no arguments why the 9th and 10th of William ought at present to be repealed. As to the right of man, on which the right honourable mover had laid some stress, he must be under the necessity of differing from him

completely. What were the rights of man previous to his entering into a state of society? Whether they were paramount to, or inferior to social rights, he neither knew nor cared.—Man he had found in society, and that man he looked at—he knew nothing of any other man—nor could he argue on any of his rights. As to abstract rights of all kinds, he thought they were incorporeal, and unfit for the body, and might be discussed in some other state; but they were totally unfit for this life, and consequently could not be fit for argument.

These abstract ideas were too airy diet, and ill suited the mixed constitution of men, which was composed of speculation and practice, of mind and body. He blamed Mr. Fox for collecting such multifarious matter, such different measures only by an abstract principle of toleration.

Of toleration and of persecution the House had never yet given a decided opinion. It had always acted from circumstances and the pressure of events—when it relieved a Quaker, it relieved a Quaker—when it alleviated the condition of a Catholic, it looked only to a Catholic.—It never purged to the right and bled to the left at once.

In the present period, all discussions between the Church and State had ceased, like a volcano burnt out, or like Vesuvius when Strabo saw it. Here stood the friendly Olive—there the cheering Vine—on this spot the supporting Corn.

Of the Unitarians he knew nothing; they came, however, in such a questionable shape, that he conceived he had a right to ask them whether they brought airs from Heaven or blasts from Hell? Or whether their advent was wicked or charitable? The question now therefore was, whether we had sufficient reason to repeal those acts at this time. Upon this point he was of opinion, that the subject, as opened by Mr. Fox, did not depend upon the principles of toleration; putting that consideration also, as well as the theological part of the subject, out of the question, he should look at the petition of the Unitarians, as it now appeared before the House. The petition was against the general principles of the Christian religion, as connected with the State. It went to dismember the Christian commonwealth. By a Christian commonwealth there was established no alliance, as had often been erroneously stated, between Church and State, Church and State, were

one and the same, and in order to see whether this petition agreed with that principle, the better way would be to look at the professions of the Unitarians. He had often heard that we were not always to believe the man who professed to be our friend, but the devil was in it, if we did not believe him, when he professed to be our enemy. The Unitarians were the enemies, the avowed enemies of the Church; they had lately accused themselves of a disgraceful timidity with respect to the concealment of their sentiments, and now they were to atone for that timidity by an extraordinary boldness. They had avowed their hostility to the Church. They had confessed their determination to propagate their doctrines. They were avowedly a society for the propagation of opinions immediately hostile to our Church—they had incorporated for that purpose—they had published pamphlets with that view—they had raised a large fund to be employed in that service—they had entered into a solemn compact to obtain that end—it was well known that Doctor Priestley was their patriarch. Knowing all these things, the question was, whether persons with those views, wishes, and determinations, should be objects of the special grace and favour of that House. That what he stated of them was true, he would read their publications, as publications issued to the world by themselves, which would be the best answer to the question whether they were proper objects of favour, and whether to grant them indulgences would be at this time prudent or politic.

In order to shew what were the principles of those Unitarians, he would give their own authority, by quoting the toasts given at one of their meetings, which might be considered as articles of faith in all associations and political meetings, both of the present and former days, all of which, fourteen in number, were bumper toasts, and he would not withhold from the House a single bumper, by refusing to read them. He contended that the celebration of the 14th July, and the libels of Thomas Paine, were the causes of the riots at Birmingham, and that they proceeded from political, and not religious prejudices; upon both of those topics he dwelt for a long time, as highly mischievous in themselves, and dangerous in their consequences, because those very people, who were petitioners, had avowed their approbation of the abominable proceedings at

Paris on that day, of horrid perfidy, and unprovoked rebellion ; likewise of the doctrine of Paine, and not only approved of them, but as it were recommended them for the imitation of England, to prove that they were connected with the Revolution Society here, and the Club of Jacobins in Paris, and adopted the same principles to their fullest extent. He read several of their resolutions, and concluded, that such people were not fit men for relief or encouragement from their sentiments and connections. He said, there was no religious liberty in France ; but, on the contrary, the greatest persecution had subsisted ever since that dreadful 14th of July, and worse persecution than could possibly take place in this country. He regretted sincerely what had happened at Birmingham, but it was of some consequence to know, that if we had not laws to prevent such outrageous riots, we had law and justice enough to compensate the sufferers ; this was not the case in France. He was sure the right honourable gentleman must have been imposed upon on that subject, when he thought those riots proceeded from religious prejudices against the Unitarians, for Dr. Priestley had preached and written his Unitarian system for 28 years without any molestation, until he and his followers came forward to celebrate avowedly the 14th of July, and declared their principles to be precisely the same. Having entered with much heat into a detail of French affairs,

Mr. CATOR spoke to order, and begged the right honourable Member might be kept to the question.

The SPEAKER stated to the House, that his reason for allowing the right honourable Member to proceed, arose from thinking that it was the intention of the right honourable Member to shew that the opinions and principles of the petitioners were such as ought not to be allowed as sufficient ground for granting the prayer of their petition. At the same time, he begged to say this much, without giving any opinion at all of his own on the subject in discussion.

Mr. BURKE proceeded, and went into a description of almost every event that has taken place in France since the revolution, accompanying his observations with severe remarks, and on the proceedings of the National Assembly. He contended, that the system of those in this country, who connected

themselves with such society, and approved or recommended these principles for examples to this country, was nothing short of an avowed intention to subvert and overturn every establishment, political and religious of every kind, and a wish to extend that destruction to all nations.

Mr. W. SMITH said, he would set out with stating, that he did not believe the right honourable gentleman would wilfully do or say any thing in that House from improper motives; yet he must observe that throughout the whole of the right honourable gentleman's speech there pervaded a misrepresentation and a misunderstanding, both on the affairs of France and with respect to the Unitarians, of whom he professed himself to be one, that he never could pass unnoticed. He wished to put France entirely out of the question, because he thought it had nothing to do with what was now debating; but there were some things which the right honourable gentleman had said about the demolition of the Bastille, and the proceedings both in the National Assembly, and over that kingdom, so grossly misrepresented, that he must believe the right honourable gentleman to be totally ignorant of the facts; this was not the time to enter upon that topic; and he would therefore proceed to the question, if any question at all could be found, in that had fallen from the right honourable gentleman. He declared his opinions to be completely with the Unitarians in all they had written, and every thing they had circulated, from a thorough conviction, that they were founded on principles of rectitude, justice, and honesty. One word in their declaration seemed to give offence, it was the word idolators; but he thought that as others, who thought differently, styled the Unitarian principles to be blasphemous; it was fair in them to retaliate, and even call their opponents idolators. He contended, that they were a distinct sect, and completely unconnected with the Dissenters, and all other clubs, associations, or whatever name the right honourable gentleman might give them; when, at the same time, he could not in all he had said, produce a single proof. With regard to the toasts, all of which, except two, he was perfectly satisfied with, because even the ingenuity and perversion of the right honourable gentleman could not point out any one word in them that contained matter of a dangerous or seditious tendency towards the constitution.

tion of this country ; this, however, and a great deal more, had been assured by the right honourable gentleman in his speech : he had assumed, that all who approved of what was done in France on the 14th of July, approved likewise of every abuse and confusion that had since occurred in that country, and not only approved, but wished the people of England to imitate the example ; this was an argument against the Unitarians, as uncandid as it was unjust and untrue. He would tell the House what he believed, and knew to be the case, that the Unitarians, and those who signed their petition, were as firm and steady friends to the constitution of this country, as the right honourable gentleman, or any set of men whatever. But when he affirmed this in their favour, it would not surprise him if the right honourable gentleman opposed him, by saying it cannot be, for he will quote some resolutions of some other society with whom they have no connection, and assert that as they equally admire the overthrow of despotism in France, they cannot be friends to England, and ought to be still kept under the restraint of those persecuting penal laws which are such a disgrace to our statute book. He argued for the repeal of them, upon the principle that when laws are in themselves good, though few dared to put them in force, yet the possibility of enforcing them ought not to be left to the discretion of juries. He insisted that the Unitarians were inoffensive men ; if they were not, there were laws by which they could and ought to be punished. He ridiculed Mr. Burke's idea of plots. He stated his own interference as a very trifling support to the Unitarians, whom he never would have avowed to connect himself with, had their motives been to subvert the constitution ; though any thing he could say for them on this point, was as little to the purpose as the right honourable gentleman's remarks on the constitution of France. On the Birmingham riots, he stated how far the right honourable gentleman was mistaken with regard to Dr. Priestley, who absolutely was not here, and disapproved of celebrating the 14th of July, and yet the property of him and his friends was destroyed, while that of the Chairman of the Meeting, who was not an Unitarian, as well as others present, remained without molestation. It was not on account of himself or the Unitarians that he wished those laws repealed ; they had no fears on that score, because

they knew no person in this country would dare to put them in force; they could not be called laws; they were a sort of non-descript, which only had existence by continuing in lethargy, and if ever there was found an individual infamous enough to rouse them into action, the public mind would repel the attempt, and produce their immediate annihilation. He knew there was not a common informer bad enough for such employment, yet he almost wished for a prosecution of the kind, in order completely to have those laws demolished.

Mr. BURKE said a few words in explanation.

LORD NORTH said, that he was pleased at the mode in which his right honourable friend had opened the business, by confining his motion to the repeal of the 9th and 10th of King William; though it always gave him pain to differ from his right honourable friend, he must have been under that necessity had it been proposed to repeal the Test and Corporation acts; for while the act of settlement remained, and the line of succession from the Princess Sophia was preserved, he never could submit to a repeal of those laws. The request of the petitioners was so reasonable, that he could not see any grounds of opposition to it; all the boon they asked, was not to make them criminal for acting according to their consciences; not to make a crime of deliberate conviction. Toleration was a principle agreed to on all hands; why then begin to refuse it to them who had done nothing to forfeit that privilege? nor was any thing to be feared from them that should render them liable to persecution. If it is admitted that those laws are too bad to be put in execution, can there be a stronger reason for repealing them? Why are they to be maintained?—Upon what principle of expediency, policy, or justice?—The Unitarians were not turbulent, or seditious men; but if they were, have we not the same laws to govern and punish them as others? With regard to the time, that objection had no weight with him: no time could be improper to do justice, or proper to continue injustice; religion was not to be defended by the dead letter of a dead law, as had been said by the right honourable gentleman; and if they meant to act as Christians, let them follow the bare and simple doctrines of Christ. The precept that enjoined to “love your neighbour as yourself,” was the criterion of Christianity, and by that standard he had no objection to try all the

laws in the statute book, and to repeal such as were repugnant to it, which he considered those in question to be.

Mr. MITFORD condemned the conduct of Dr. Priestley and the Unitarians. He was of opinion that no man ought to propagate doctrines in a country where there was an established religion, that might tend to disturb the peace of society. He complained, that in the present state of the country, where a ferment universally prevailed, it was as impolitic to agitate the question, as if a repeal of the penal statutes against the Roman Catholics was brought forward during the riots. In fine, he objected against the motion; first, because the time was improper, as the minds of the people were in a state of ferment; secondly, because the extent of the motion was too wide; and lastly, he objected to the nature and substance of it, as connected with a general system of repealing all penal statutes.

Mr. ADAM contended, that the three grounds of objection, stated by his honourable and learned friend, were without the least foundation. With regard to the extent of the motion, the orderly and regular manner in which it was brought forward, obviated that; because, when in a Committee, it could meet with the discussion it required, which it could not have in a House. As to the nature of it, the honourable gentleman had said, that though repealing those laws would give great satisfaction to many, it would give much discontent to a far greater number of the people; but this he did not believe. He was sure the Unitarians had no such opinions as were ascribed to them, and certainly it was cruel and unjust to blame them all in a body for the doctrines of one man who was amongst them. The House seemed to be fond of abuse of Dr. Priestley, but he knew of no such dangerous writings and doctrines as they charged him with. If any such existed, had the country so little spirit as to pass them over with impunity? had they no laws to guard the constitution from such attacks, or no Attorney General to prosecute? He then referred to the petitioners, whom he described to be very respectable, and amongst the names should point out many, in and out of that House, who entertained directly opposite principles, different religious and different political systems, both with regard to the government and constitution of this country and of France. That the time was improper, certainly could not be seriously urged; if the

House would, for a moment, recollect the great speech so ably delivered by the right honourable gentleman opposite, on opening his budget, they certainly could not have forgotten the impression which his eloquence left on their minds that day, and which must lose much of its brilliancy by any attempt of his to recapitulate the description which was then given of the happy and glorious situation of the country, when its treasury was full, its resources increasing, its expenditure diminishing, and taxes lessened, manufactures flourishing, and industry reaping a secure and ample reward. In short, when the country was in that state of universal prosperity which it had never enjoyed before; was this, then, the time when we were to be told that the people were in a state of ferment, or that it was not fit for us to be doing acts of humanity and justice? With what propriety could the present be pronounced a period improper for reformation? This was a species of logic which he disavowed, but which was directed to the enemies of all toleration and reformation. Upon that particular ground he need add nothing farther; his duty dictated to him the propriety of delivering his sentiments in favour of the motion.

Mr. Chancellor PITT said, he now rose to give his reasons for voting against the motion, which he would do as shortly as possible. If there existed any laws against general toleration, and it was proposed that these should be repealed, in a manner consistent with the safety of the constitution, he certainly would vote for repealing them; but he begged to be understood, his system of toleration would always be regulated by the existing circumstances, and the times to which it was to be applied. Those statutes had stood long, and were thought necessary by our ancestors. No practical evil had ever happened from them yet to any description of men, nor was likely to happen, and danger might accrue from their being repealed upon many occasions; nor would he hesitate to say, that there was just as much reason to be apprehensive of danger now as at any former period. Hitherto it had always been thought wise to observe extreme caution in all matters of religion, and particularly to do nothing that looked like an attack upon the established religion of the country, a policy which ought never to be departed from. He agreed with the noble Lord who had spoken so ably on the Test and Corporation acts. It had been argued, that,

if an act was never put in force, it ought not to exist : he differed from this reasoning, and brought the question to this point, whether repealing those laws, by a continuance of which no practical evil exists on one side, and when evident danger seems to be the consequence on the other, would be wise or politic? He objected to the mode of bringing forward the motion; for the right honourable gentleman confined himself to the 9th and 10th of King William, but had intimated his intention to pursue the general system, until all the statutes inflicting penalties for religious opinions, should be repealed.— In repealing any of those laws, one point was essentially necessary, and that was, that the Public should completely understand why they did it, as the most serious dangers might arise from a misunderstanding. As to the country being in a state of ferment, he did not think so, and believed his learned friend had gone too far when he said it. If there were any who entertained opinions inimical to the constitution, he really believed their numbers were small, and their proceedings too insignificant, to be dangerous; for the great body of the people were firmly united in their love for the constitution, and had a proper sense of the many blessings they had enjoyed under it. At the same time, he saw no propriety in that House giving encouragement to a society, whose declarations avowed their principles to be subversive of every established religion, and every established Government. If they were to repeal this law, might it not be so misrepresented, that the public mind might be impressed with an idea that, in place of wishing to relieve a certain class of men from penalties, the House of Commons were become indifferent about the established religion, and careless of what infringements they made upon it? this they would think the first step towards a gradual abolition of all the establishments and fundamental principles of the constitution. He likewise thought, in all cases of this nature, the previous opinion and concurrence of those most materially affected ought to be obtained; and concluded with declaring, that he decidedly disapproved of, and should most certainly vote against, the motion.

• Mr. FOX said, he never was so happy as to-day, in having an opportunity to avail himself of the indulgence which the House generally gave to the mover of a question; at the same

- time, he had been very uneasy during the greater part of the debate, particularly towards the close of it. He had, indeed, heard, before he came in, that his motion was likely to be opposed, but what the grounds of opposition were, he had not the least idea of. Now, however, all was out; for the right honourable gentleman on the bench with him had, circuitously, and the right honourable gentleman opposite, directly, opposed every principle and system of toleration, in a manner that he never could have expected from either of them in that House.
- It was not his intention to follow the first right honourable gentleman through all the extraneous matter he introduced, for certainly his motion had nothing to do with France, which it was the fashion with some gentlemen to cram into every debate. His opinions of the French revolution were precisely the same now that they ever were. He considered that event as highly important and advantageous to this country, and to the world in general; and that right honourable gentleman knew his disposition too well, to suppose that any temporary and accidental defeat that the French might suffer in their struggle for liberty, would stagger his mind with regard to their success in the result. Such accidental defeats were to be expected at the commencement of such wars; and when attacks were made by raw and undisciplined troops: but those defeats would not be decisive; and such had been, and these sentiments he still retained, their mutual opinions during the American war. He had heard of treachery, perfidy, and unprovoked rebellion, and the demolitions of one of the King's fortresses, in high terms; and though he had been told that no two-legged animal could be found, who would credit the old woman's stories about the Bastille, he would acknowledge himself to be that animal. He knew the right honourable gentleman's taste for poetry, and when the Bastille was mentioned, a description of it came to his mind, as given by a celebrated poet of our country, Cooper, in his poem of the Task:

“ Ye horrid towers, th’ abode of broken hearts,
“ Ye dungeons, and ye cages of despair,
“ That monarchs have supplied, from age to age,
“ With music such as suits their sovereign ears,
“ The sighs and groans of miserable men !

- " There's not an English heart that would not leap
 " To hear that ye were fallen at last; to know
 " That even our enemies, so oft' employ'd
 " In forging chains for us, themselves were free.
 " 'Tis the cause of man.
 " There dwell the most forlorn of human kind,
 " Immur'd though unaccus'd, condemn'd untry'd,
 " Cruelly spared, and hopeless of escape.—
 " Oh, comfortless existence! hemm'd around
 " With woes which who that suffers would not kneel
 " And beg for exile, or the pangs of death?—
 " That man should thus encroach on fellow man,
 " Abridge him of his just and native rights,
 " Eradicate him, tear him from his hold
 " Upon th' endearments of domestic life
 " And social, nip his fruitfulness, and use
 " And doom him, for perhaps an heedless word,
 " To barrenness, and solitude, and tears,
 " Moves indignation."——

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After having repeated these lines, he added, in the language of the poet, that there was not an English heart which would not leap, to hear that this monument of arbitrary power, this abode of wretchedness and despair, had now fallen. He had called Paine's book a libel on the English constitution, and thought the right honourable gentleman's book a libel on the French constitution, though of a different kind. He then replied to what had been said on the Birmingham business; he insisted that there were practical grievances, and ever would be, while those laws remained. He said, he had heard that there were those who defended the riots at Birmingham, but he did not expect to have found them in that House. He maintained that they arose from religious, and not political causes. He strongly reprobated the idea of not repealing an unjust and disgraceful law, lest scandal should be annexed to it. If toleration was now grown so limited, that scandal was dreaded, the country was degraded beyond the lowest democracy. It was absurd to say, that the repeal ought to come from the Bishops, as was hinted by the honourable gentleman, for it was well known they had set their faces against every repeal; and to say

that the enlightened part of the community should delay justice till they had consulted and convinced the vulgar throng, was equally mean and ridiculous.

Mr. Chancellor PITT complained that his arguments on toleration had been misrepresented.

Mr. FOX said, if he had misrepresented them, it was from not being able to understand them.

Mr. BURKE complained that he had been charged with writing a book, which was a libel on every free Government and entered into a defence of his principles.

Mr. DUNDAS said, with some warmth, he had a right to demand an explanation of certain gestures used by the right honourable gentleman (Mr. Fox) in some parts of the debate, which seemed to indicate that he considered Government as culpable in their conduct respecting the Birmingham riots.

Mr. FOX said, he was ready to explain any part of his argument or expressions, which he conceived was all that could be required of him.

Sir ROBERT LAWLEY vindicated the conduct of Government. He had marched with the troops sent to quell the riots, and did not wonder at their having been excited when he saw the hand-bills that were circulated at Birmingham.

Mr. FOX said, that if improper hand-bills had been circulated on one side, hand-bills, at least as improper, had been distributed on the other.

Mr. WHITBREAD asked whether proper inquiry had been made by Government into the conduct of the Magistrates at Birmingham?

The ATTORNEY GENERAL gave a detail of the manner in which the prosecutions against the rioters had been conducted, and assigned his reasons for not commencing any prosecution against the Magistrates, on the affidavits that had been submitted to his examination.

Mr. WHITBREAD said, he understood from the learned gentleman, that no inquiry was to be made into the conduct of the Magistrates. In that case, he should bring forward a motion on the subject.

The ATTORNEY GENERAL replied, that if any prosecution was commenced by him as the public accuser against

the Magistrates, it must be on an information taken under his own direction.

The honourable Captain FINCH said, he understood the conduct of a noble relation of his had been alluded to on a former occasion by a right honourable gentleman (Mr. Fox) on the subject of the riots, and he was sure the right honourable gentleman's candour would now induce him to explain what he had formerly said, or whether he had now retracted it.

Mr. FOX, after prefacing that he had once been on terms of intimacy, and always of good wishes, with the noble person alluded to, said, what he formerly mentioned, and never meant to retract, was, that a handbill, distributed amongst the rioters at Birmingham, with the name of that nobleman (Lord Aylesford), and several gentlemen of the neighbourhood, subscribed to it, addressing the rioters by the appellation of "Friends and fellow Churchmen," expressing no disapprobation of what they had done, telling them that they had done enough, and exhorting them to desist, not because they were violating all law and justice, but because the loss must ultimately fall on themselves, was disgraceful to the police, the character, and the government of the country. He begged leave to explain, that he was not one of those who blamed the extension of the Royal mercy to one of the rioters who was capitally convicted. From all he had heard, although others might be much better informed, it was a case that deserved the Royal mercy, and he imputed no blame to Government on that account.

The question was put, and the House divided on Mr. Fox's motion ;

Ayes, 63 ; Noes, 142. Majority against it, 79.

The House adjourned.

Monday, 14th May.

Mr. Chancellor PITT having moved the order of the day for the third reading of the New Forest bill,

Mr. HUSSEY said, that he objected to the principle on which the bill was founded. He admitted that it had a plausible appearance, and its object could not fail of being popular, as it was to procure a supply of timber for the use of the Royal Navy. But, at the same time, he was con-

vinced that it never would answer the end for which it was intended. About a century ago, a bill on precisely the same principle was carried through Parliament; it directed that 2000 acres in the New Forest should be inclosed the first year, and 200 every year after for 20 years, and that they should be planted with timber. But no public advantage was derived from the plan, for it failed *in toto*. The present bill was nearly a transcript of the former, differing only in the quantity of land to be inclosed; a similar failure therefore was to be expected from it. It was his opinion, that the only way to render the New Forest of real advantage to the Public, would be to sell the whole of it; and when it was in private hands, the proprietors would find their account in planting it and rearing timber for the Navy. They might do what would be still more beneficial to the Public, they might cultivate the land, grow wheat, and breed cattle. To provide timber for the Navy was a good thing; but to provide food for the people was a better. He caused a paragraph from the report of the Commissioners of the Crown and Forest Lands to be read, in which these gentlemen stated, that from the extension of manufactures and the growing population of the country, it would become necessary to extend agriculture, and improve as much land as possible, so as to increase the annual growth of wheat. This opinion, he said, applied strongly to the case before the House; and if it was adopted with respect to the New Forest, which contained 115,000 acres, an immense quantity of wheat might be raised, and vast numbers of cattle bred, which would furnish us with the means of procuring a supply of timber from every quarter of the world, where there was any to be sold fit for our use. If his ideas on this subject were to prevail, the whole of the Crown Lands should be put up to sale; and the money arising from it should be vested in the Commissioners for redeeming the public debt, who should be directed to purchase stock, the interest on which should be suffered to accumulate during the present reign, and after the demise of His Majesty, go to his successor in such proportion as should

be agreed upon between the present King and the Heir apparent. Mr. Hufsey concluded by moving that the bill should be read a third time this day three months.

Mr. Chancellor PITT observed, that the honourable gentleman and he differed widely with respect to the question, "In which way might the land in the New Forest be employed to most advantage to the Public for rearing timber, in private hands, or in those of the nation."—The honourable gentleman preferred the former, he himself was for the latter; and as he had more than once assigned his reasons for this preference, he would not trouble the House at this time with a repetition of them.

The question was put on Mr. Hufsey's motion, which was negatived without a division; and the bill was immediately read a third time.

Mr. HUSSEY having failed in his attempt to get rid of the whole bill, objected next to a particular clause in it, which empowered a single Justice of the Peace or Verderer of the Forest, to convict any cottager of the Forest, and fine him 10*l.* who should be charged on the oath of one credible witness, with having cut more turf for fuel than he consumed in his own cottage. Now his great objection to this clause was, that it gave a Magistrate a power, not merely of punishing a person for a breach of the law, but because it empowered him in a summary way to decide upon a question of right with respect to property. The cottagers had a right, not disputed by the Crown, to cut turf for their own use; they also claimed a right to cut a great deal more, which they might either sell or give away to their friends. A Court of Law was the proper place for trying the legality of that claim; a Magistrate was not a proper person to determine it; and still less should the person acting up to the extent of the claim be fined for the exercise of what he considered as his right. He observed that these cottagers were not treated in the bill, as favourably as a noble Earl (Lonsdale) who had petitioned the House against it, but who had since withdrawn his petition, having received compensation. That noble Lord laid claim to a

right to cut more turf than was consumed in his three lodges in the forest; and on condition of giving up the claim he was to receive compensation.

Mr. HUFFEY now moved, that the whole of this clause should be left out.

Mr. ROSE denied that the noble Earl to whom the honourable Member alluded, had received any compensation for a relinquishment of any such claim; for he was not intitled by the forest laws, to more turf than could be consumed in his three lodges.

Mr. Chancellor PITT said, that the question of law, which the honourable Member concluded ought not to be left to the decision of a Justice of Peace, could not possibly arise in this case. The cottagers in the forest had no other right of turbary, than such as was common to all copyholders, or persons entitled to commonage. They could cut as much turf as was necessary for their own use, and no more. The clause was intended to arm the Magistrate with power to punish such as should exceed that measure.

After some conversation, Mr. HUFFEY's motion was rejected, and the bill was passed, and ordered up to the Lords.

The Westminster Police bill was re-committed, and produced a tedious and desultory conversation.

Mr. FOX said, that as some additional clauses were to be introduced, he would not state his objections to the bill, until it should have come out of the Committee. On the report, he would give such reasons for putting off the consideration of it to the next session, as appeared to him to be strong and conclusive.

The conversation that ensued turned principally upon two points. One was the influence which the Magistrates, acting under this bill, might derive from it in times of election of Members to serve for Westminster. The other was a new clause proposed by Mr. Burton, for empowering the constables to apprehend such persons as could not give a good account of themselves, and the Magistrates to commit and punish them as incorrigible rogues and vagabonds,

allowing them, however, an appeal from the decision of the Justices to the quarter sessions, and the right of giving bail for their appearance to prosecute such appeal.

Some gentlemen were of opinion, that the Magistrates employed under this act ought not only to be disqualified from voting at an election for Westminster, but even for interfering directly or indirectly in such election, except for the purpose of preserving the peace. Others thought that it would be a harsh measure to deprive men of the elective franchise before they had abused it.

Mr. Secretary DUNDAS was of this opinion; he said, however, that if a clause was drawn up, which would go to the full length of guarding against an improper interference of Magistrates at elections for Westminster, but without going beyond that principle, he would rather adopt it than run the risk of losing the benefit which the Police of this city would derive from the bill.

Mr. M. A. TAYLOR undertook to prepare such a clause, which he said he would offer to the House when the report of the bill should be taken into consideration.

With respect to the clause for apprehending idle persons, who were known to live by dishonest practices, it appeared to some gentlemen to give a greater power to Magistrates than it was safe to give to any individual or body of men whatever.

On the other hand, it was said, that some such clause as this was absolutely necessary for the purpose of giving efficacy to the bill. The officers of Police could point to hundreds of person who lived solely by picking pockets and other felonious acts, and yet were suffered to walk the streets in open day, to collect about the doors of all places of public amusement, and to concert plans for committing felonies. As the law stands at present, these persons could not be taken up, until they were charged with having actually been guilty of a breach of the law. As prevention was better than punishment, such a clause as this must be of great use, as it would compel idle vagabonds to have re-

course to honest industry for their support or to be treated as incorrigible rogues.

It was agreed at last, that the clause should be admitted for the present ; that the whole bill, with the amendments, should be printed, and submitted on the report to a full discussion in the House.

Mr. CATOR wanted to have the expence of the establishments under this bill, to be paid out of the civil list.

Mr. Chancellor PITT said, the charges already upon the civil list were as great as it could bear; any addition to them would only produce a debt which Parliament would hereafter see the necessity of discharging. It was best, therefore, that the Magistrates to be appointed under the bill, should be paid at once out of the consolidated fund.

The point being at length given up by Mr. Cator, the bill was carried through the Committee, and the House was resumed.

The report was immediately brought up, and the House ordered that it should be taken into consideration on Thursday next; and that in the mean time a sufficient number of copies of it should be printed for the use of the Members.

Mr. GREY rose, and moved, " That an humble address be presented to His Majesty, that he will be graciously pleased to give directions that there be laid before this House a copy of the definitive treaty of peace concluded in December last, between the Court of Peterburgh and the Ottoman Porte."

Ordered.

The LORD ADVOCATE OF SCOTLAND reminded the House, that when an honourable gentleman (whose absence he regretted) had brought forward the subject of the Royal Scotch burghs, that honourable gentleman had intimated measures that would tend not to reform but absolutely to subvert the ancient constitution of all the Royal burghs of Scotland. That in the course of the discussion, he had stated to that honourable gentleman in what particular their constitution was defective, and had declared his readiness to concur with him in any single measure that the

honourable gentleman would propose for applying a remedy to that admitted defect. He had waited from that time with impatience, expecting that the honourable gentleman would have met him upon the ground he had stated, and would have brought forward some specific measure or other adapted to the nature of the case. That not having happened, it only remained for him to come forward with some proposition himself. He rose, therefore, for the purpose of moving for leave to bring in a bill on the subject, and his purpose would be, not to subvert all or any part of the present system of Government as it obtained in the Royal Scotch burghs, but to restore it to what it anciently had been.

He detailed the manner in which the accounting for the revenues of the Scotch burghs stood at the period of the revolution, stated the degree in which it had been altered by the bill of 1693, four years subsequent to the revolution, and by the act of union at the commencement of the present century; and declared, that his object was to render the Magistrates amenable for their conduct, with regard to the revenues, to the Court of Exchequer in Scotland. That another object was, in order to guard against the Magistrates being harassed with litigious and vexatious prosecutions, he meant to insert a clause obliging prosecutors to give security for the payment of costs, in case their libels were not found proven. A third object was in levying each cess or tax, to oblige the Magistrates to specify the proportion payable by each inhabitant, and to state distinctly the grounds on which the money was levied. These he took to be the only points that essentially required a legislative remedy, and therefore he concluded with moving, that a bill be brought in, "for the better regulating" the mode of accounting for the common good and revenues of the Royal burghs of Scotland."

Mr. M. A. TAYLOR said, as his honourable friend (Mr. Sheridan) was necessarily absent on a most unpleasant business, he hoped the learned Lord, after he had brought in his bill, would print it, and allow time enough between

the first and second reading, not only for his honourable friend to be able to state how far the measure met his expectations; but for the bill to be sent down to Scotland, that the opinions of those who were to be principally affected by the bill, might be known and understood previous to the proceeding with it any farther.

Sir JAMES ERSKINE ST. CLAIR also hoped that proper time would be allowed.

The motion was stated from the chair, and upon the question put, agreed to.

Mr. WHITBREAD gave notice, that on this day se'n-night he would make a motion respecting the riots which took place at Birmingham last summer.

Mr. Secretary DUNDAS wished the honourable gentleman would be so good as to give some intimation of the nature and tendency of his intended motion. At the same time he flattered himself, that the good sense of the honourable Member would, on more mature reflection, determine him not to make any motion at all upon the subject of those riots. He had not a doubt of the good intentions of the honourable Member; but as no one could answer for events and consequences, and as the flame of those riots had subsided, he submitted to the honourable Member, whether it would be prudent to revive the memory of those disagreeable occurrences by any new discussion.

Mr. WHITBREAD was rising to give an answer, when

Mr. BOUVERIE rose, and begged the Chair would not suffer a debate to take place upon a bare notice of a motion, and when there was not a motion before the House.

The SPEAKER said, he certainly would not suffer such an irregularity to take place; but as he thought the honourable Member (Mr. Whitbread) was going only to state what was to be the ground of his motion, it did not occur to him that it would have been disorderly to suffer him to do so.

Mr. WHITBREAD then rose again, and said, that he could not at that moment state what would be the precise

object of his motion, as he had not yet formed it in his own mind; but it would relate to the riots that had taken place at Birmingham during the summer. As to the question of prudence, Whether any motion at all ought to be made on that subject at this time, he had fully made up his mind on that head, and he meant to persevere in the notice which he had given.

The House adjourned.

Tuesday, 15th May.

The SPEAKER stated, that the House of Lords had introduced a clause into a Canal bill, which would cramp and fetter the proceedings of that House, in case a bill for a Rochdale navigation should ever be proposed and ordered; and as it was not usual for the House to suffer any clause of the nature in question introduced by the House of Lords to pass, he thought it his duty to call their attention to the circumstance.

Mr. STANLEY moved, that the question, "That this House do agree to the said amendment," be adjourned to this day three months, which was agreed to.

Mr. Stanley then moved for leave to bring in a new bill.

Ordered.

The House adjourned.

Wednesday, 16th May.

The Committee on the Public Income and Expenditure was, upon motion, deferred to Wednesday next.

The House adjourned.

Thursday, 17th May.

The honourable THOMAS PELHAM rose in conformity to the notice he had given of his intention to move for some additional reward for the long and faithful services of

the clerk assistant. Mr. Pelham stated, that the honourable gentleman had held his office for twenty-four years, the emoluments of which, when compared with the services, could not but be matter of astonishment to every Member. Had the honourable gentleman continued in the practice of his profession, Mr. Pelham said, he certainly would have obtained considerably greater emoluments than by the office he now held; and had he been a Member of that House, he would have been one of its brightest ornaments. His object was not to increase the salary of the office, but to confine the remuneration he meant to move for to the honourable gentleman, whose services highly merited the consideration of the House; and that the House should act as it ought for its own dignity, the proposal he should offer would be an address to His Majesty for a recompence, which recompence should not be drawn from the civil list, but be defrayed by the House. He concluded by moving,

“ That an humble address be presented to His Majesty, that he will be graciously pleased to give directions for making some farther recompence to John Ley, Esq. for his long and meritorious services as clerk assistant of this House, and to assure His Majesty, that this House will make good whatever sum His Majesty will order to be issued for that purpose.”

Mr. Chancellor PITT rose to signify his entire concurrence with the whole of what the right honourable gentleman had expressed, and to declare, that if any thing more were necessary to be added, it would be only a mark of the competition that every Member of the House must feel in the race of reward to distinguished merit.

Mr. FOX said, he could not possibly let a question of that kind pass in silence. He therefore rose to declare, that he never gave a vote with greater satisfaction, being conscious that the honourable gentleman, who was the subject of it, merited the thanks, approbation, and liberal regard of the House.

Carried nem. con.

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The said address was ordered to be presented to His Majesty by such Members as are of His Majesty's Privy Council.

The order of the day having been read, "that the report of the Ramsgate Harbour bill be now taken into consideration,"

Sir EDWARD KNATCHBULL, after having stated several objections in the name and on the part of the Trustees of the Harbour, who wished the bill to be deferred to the next session, moved an amendment, to leave out the word "now," for the purpose of substituting the words "this day three months."

A conversation ensued between Alderman Curtis, Sir Watkin Lewes, Mr. Thornton, Mr. Filmer Honeywood, Mr. Brook Watson, and other Members, after which the question was put and negatived.

Mr. F. HONEYWOOD, though a friend to the bill, was desirous that it should be re-committed, to amend some clauses; he therefore moved, that the bill be re-committed.

A division ensued on this motion, which was also negatived, there being

Ayes, 24; Noes, 38. Majority 14.

When the clause was read for appointing the Members in Parliament for Ports, Trustees to the Harbour,

Mr. F. Honeywood, and other gentlemen objected to it, upon the principle that those who had the examination into the expenditure of money, ought not, in virtue of their right to examine, to have any share in the expenditure; in other words, that they ought not to decide on their own conduct.

Sir WILLIAM DOLBEN spoke, and rejoiced that so respectable a body as the Trinity House had undertaken the superintendence of the clearance of Ramsgate Harbour.

The question was put, and the clause negatived, by a division of,

• Ayes, 26; Noes, 31. Majority against the clause, 5.

The bill was then gone through, and ordered to be engrossed.

In conversation between Mr. Fox, Mr. Ryder, and Mr. Chancellor Pitt, it was agreed to debate the Sugar bill on the report.

The House, pursuant to the order of the day, resolved itself into the Committee, and went through the bill with several amendments.

A division took place on the exportation prohibiting clause.

Mr. RYDER moved to prohibit the exportation of refined sugar, when the price should rise above sixty shillings per hundred weight

This sum was contended by Alderman Watson to be too high.

Sir JAMES SANDERSON said, that he was much astonished to hear from the right honourable gentleman (Mr. Ryder) that the bill then under consideration was not intended to reduce the price of sugar; because, independent of the just objections and reasonable apprehensions stated by the sugar refiners, there were another description of persons, infinitely more numerous, who had felt considerable uneasiness on the subject, and were deeply interested in the question, namely, the sugar consumers. That body of gentlemen had deputed a Committee, composed of wise, moderate, and well-informed men, who had explored every corner of the world, in hopes of establishing a supply of this now necessary article, and who had been honoured with several conferences on this subject with the Minister.

That body of gentlemen had finally trusted to the equity of Parliament for substantial relief, contenting themselves with a public protest against this bill, as altogether inefficacious. Sir James added, that, for one, he did not entirely lean to the extreme of this statement, much less was he inclined, on the other hand, to refuse to the West-India growers their fair claim, and perhaps, he might add, in their present circumstances, their particular claim to the attention and protection of Parliament; but he was warranted in believing, that 40s. ought to be the ultimate price of this bill, and no more, as

a calculation for eighteen years, viz. from 1774 to 1791, excluding, on the one hand, a few preceding years, when sugars were unreasonably low, and including, on the other, the two last years, when sugars were extravagantly dear, fixed the average price at 38s. 3d. per cent. only.

Sir James Sanderfon also added, that, from all his observations on this subject, and from the practical knowledge which he possessed, he had no doubt, that whatever was the limit of price at which exportation should stop, would be very nearly the actual price to the home consumer.

In this opinion, he wished to impute nothing like an improper conduct to the West-India importers: they were men, he acknowledged, of the highest mercantile rank; possessed, in the highest degree, of sterling integrity, and, of course, incapable of using unworthily the force of a monopoly, much less of descending to the despicable tricks of combination; and yet, in duty to their employers, they would be found individually, and without any concert, to produce that mischievous effect; because they had not only the exclusive supply, but an accurate and perfect knowledge of the whole demand.

He also observed, that should this conclusion be still disputed, the export buyer, so long as he was allowed to remain, would infallibly be able, in addition to these considerations, to make the price as close as was possible to the boundary line; because the evidence at the bar had proved, that whenever there was that demand, the market rose, and fell again when he was gone.

For these reasons, and principally because that seven-eighths at least of the whole consumption was used in Great Britain, whilst the price they were to pay was fixed by the other eighth consumed abroad, at so much less as will be the difference between the bounty allowed by Government and the shipping charges, Sir James declared, he felt it his duty to oppose the present bill in all its stages; for, inclined as he certainly was to give to His Majesty's present Ministers his cordial support, as thinking their general measures both wise and salutary, he should be always equally ready to oppose them,

when they appeared to him, as in the present instance, to be wrong.

Mr. Alderman WATSON now proposed an amendment, to leave out the word "sixty," for the purpose of inserting the words "fifty-five."

This amendment was carried, the numbers being,

Ayes (for the word sixty) - . 15

Noes - - - - 37

Majority for fifty-five - 22

Ordered the report to be made on Monday.

The House adjourned.

Friday, 18th May.

The order of the day for the farther consideration of the report of the Westminster Police bill being read,

Mr. FOX rose briefly to state his objections to the bill. — It contained a dangerous innovation in principle. The police of this country was well administered in the ordinary mode by gentlemen who undertook to discharge the duty without deriving any emolument from it, and in the safest way to the freedom of the subject, because those gentlemen being under no particular obligation to the executive power, could have no particular interest in perverting the law to oppression. To appoint a set of Justices with salaries from Government, and consequently to a certain degree, under influence, was to change the long-established practice, and to introduce a new principle, which might be indefinitely extended under various pretexts, and the effects of which no man could foresee. A sufficient case had not been made out to warrant such a change. It was not even shewn that the bill would remedy the abuses alledged as the ground for bringing it in. It contained a clause, enabling these new Magistrates to bring persons before them to inquire into their characters and intentions, and commit them to prison on such an inquiry. This was a power pregnant with abuse; and those who were likely to be the objects of it, the lower classes of people, had seldom the means

of applying for redress against abuse of power; they were entitled to the peculiar protection of the Legislature in every law, by which they could be affected. On these grounds, that a sufficient case had not been made out to warrant a departure from the general practice, and that the bill might, perhaps, be a greater evil than that which it was intended to remove; he hoped the House would take farther time to consider of it; and moved, that the second reading of the amendments be postponed for three months.

Mr. BURTON said, the bill was intended to relieve the lower classes of people from the vexations and oppressions to which they were now subject by the practices of the trading Justices. It contained no novelty in principle, for the 12th of Richard II. which required Justices to sit for three days in sessions, provided that they should be paid at the rate of four shillings a day; a sum very sufficient at the time it was granted, and which was still paid. If, therefore, the police of Westminster required that the Justices should sit every day, it was no innovation in point of principle to enact, that they should be paid in proportion to their trouble.

This would not add to the influence of the Crown; for if a corrupt Minister were to attempt the perversion of justice, where could he find fitter tools than those whose daily practice was at present an abuse of justice? The particular clause objected to was easily separable from the bill, and he could have wished it to have been the object of a separate act, but he could not see that it had any tendency to oppression, and, with some amendment, thought it would be unobjectionable.

Mr. WINDHAM said, that the bill was a direct innovation in point of practice, for it was well known that the office of Justice was executed all over England gratuitously. The discretionary powers granted to Justices of the Peace were in many cases exorbitant, and to be endured only in consideration of the persons to whom they were granted.—Was it fit to grant all these powers, and more, to a new description of Magistrates appointed by, and receiving salaries from, the Crown? He went at some length into the

objections both to the general principle, and the particular clause.

Mr. WILBERFORCE replied to Mr. Windham; and the House divided,

For postponing the bill	-	37
Against postponing it	-	50

The amendments were then gone through; and a second debate took place on the clause above mentioned, Mr. Dundas, Mr. Burton and Mr. Halhed arguing in support of it, on the ground that it was evidently necessary in Westminster, and only an extension of an established principle; Mr. Fox, Mr. Windham and Sir J. S. Erskine against it, on the ground that there was no instance in the law of England of hearing evidence on a man's general character, with a view of subjecting him to punishment.

The clause, with some amendments, was carried, the bill was ordered to be engrossed and read a third time on Monday.

The House adjourned.

Monday, 21st May.

Mr. M. A. TAYLOR brought up the report of the Committee appointed to make inquiries into abuses attendant on the drawing of a state lottery, and made several observations on it. He gave notice that next session he should submit reasons to the House which he trusted would induce them to discontinue this destructive mode of supporting the revenue; at the present time he should move only that this report do lie upon the table. The question being put, it was ordered accordingly.

Sir WILLIAM DOLBEN said that from the state in which the question of this hateful traffic stood in the House of Lords, it became necessary for him to renew a bill which he had annually the honour to bring in for the regulation of the mode of transporting negroes from the coast of Africa to the British plantations and colonies. This bill would expire in August. He therefore moved for leave to bring

in his bill in the usual form, to continue for a limited time the law now in force for the regulation of the trade for carrying negroes from the coast of Africa to our West-India colonies and plantations. Ordered.

Mr. DUNDAS appeared at the bar with a proclamation delivered to him by the King. It was brought up and read.

Mr. FOX said, he doubted whether any thing more was necessary for that House than to thank his Majesty for his gracious communication.

The proclamation was then ordered to be taken into consideration on Friday next.

A petition was presented on behalf of some protestant Dissenters of the town of Birmingham, trustees of the new meeting-house which had been destroyed in the riots there, and for the destruction of which no compensation could be recovered against the Hundred, on account of the register required by the Toleration act not being to be found.

The SPEAKER observed, that by the regular course of the proceedings of that House this petition could not be received. It was a private petition, according to the rules under which petitions were regularly classed, and the day was passed for receiving private petitions. There was, however, an expedient that might be adopted, which would reach the justice of the case. A petition might be presented, praying, that leave might be given to present this petition. The House might grant that leave, and then the petition in question would come regularly before the House. This petition on the matter was for the present withdrawn.

Mr. WHITBREAD then rose in pursuance of his notice, for the purpose of calling for an inquiry into the late riots in Birmingham. Much discussion, he said, had recently taken place, on the subject of religious toleration; some contending with his right honourable friend (Mr. Fox) for the extirpation of heresy, by the repeal of all those laws, which disgraced our statute book; some contending for the continuance of those laws (although no man had ventured to point out an instance, in which they ought to be carried

into effect); others, with toleration on their lips, but persecution in their conduct, avowing that the repeal of those laws was a thing just and equitable in itself, but that the present was no time for doing it. This cloak would suit all seasons, and fit every wearer; it was a subterfuge, to which all apostates from every public principle might at all times resort. But when was this happy moment to appear? When should we begin to practise Christianity on truly Christian principles? Would to God that those statutes had long since been obliterated! Then, he in his conscience believed, that he should not have had to stand forward, as he did that night, in defence of the injured laws of his country, in defence of the violated rights and property of his fellow subjects. Would to God the motion of his right honourable friend, for the repeal of the penal statutes, had been adopted on a former night, he firmly believed the House would then have taken the best security against the commission of such enormities in future.

But whatever might be the shades of difference in the minds of men on the subject of religious toleration, there was a proposition which he was sure would not be disputed with him, in which every man who heard him must cordially agree, viz. that law existed for the protection of all, as well of those who dissented from, as of those who were attached to, the establishment; that all were her common children; that we were, or ought to be, strong enough to punish transgressors against her mandates; that she was, or ought to be, strong enough to repress the incroachments and violence of designing or deluded men. When we read of tumults and persecution, on account of religious differences, in the histories of other countries, we consider such narratives as the greatest reproaches on the annals of the most barbarous times. How much then would our indignation be excited, to find that, at the close of the eighteenth century, in the year 1791, “on this tolerant and enlightened country this reproach had come.” But he wished it to be understood, that, although the property of the Dissenters of Birmingham had been destroyed, and their lives endan-

gered, it was not on their behalf that he had come forward on that day; he had not asked their concurrence or approbation. He came forward, he declared, as the advocate of the Dissenters in general—of all the people of England; his object was to restore the honour of the British name, and display the justice of a British Parliament. He observed, that the reason urged by some against the bringing forward of this subject, that it might tend to excite farther tumults, afforded a strong argument in favour of his motion; for if it should be understood that Parliament was afraid of taking notice of these disgraceful proceedings, it followed, that Magistrates might be culpable, without danger or inquiry; and this principle of impunity must become more settled the more such outrages were repeated. It therefore became the dignity of the House to inquire into the conduct of Magistrates, instead of encouraging them in a criminal neglect of duty. An honourable Baronet (Sir Robert Lawley) had, on a former night, asserted, that the riots at Birmingham were of a political and not a religious nature; he was confident that the contrary was the fact, and he would undertake to prove, from the internal evidence of the thing itself,—from the concurrent testimony of persons interested on both sides of the question—and of one who, from situation, and every circumstance, must be acknowledged wholly disinterested on either,—that these tumults arose purely from religious differences of opinion, “ which cannot be the object of political control, as they respect not man, but God; and challenge all the Governors and the governed as equal subjects.”

It would be necessary shortly to dwell upon the state of the town of Birmingham for some time previous to the unhappy period, to which it would be his duty, more particularly, to call the attention of the House, and they would find, that the storm had been long gathering, and that it was compounded of religious disputes alone,—that it had burst on a day set apart for the commemoration of a political event was no proof of its being of a political nature. From a very early period, so long ago as the year 1715, Birming-

ham had been witness to the persecution of Dissenters; then, indeed, they were acknowledged to be, what they had always shewn themselves, and what they still continued to be, zealous friends to the constitution of this country, zealous friends to the Family on the throne; and the Church at that time warred against the Dissenters, because attached to the reigning family. She now allied herself to the Crown, in order to overwhelm them. But to come to more recent dates, he believed the origin of the disturbances of July 1791 might be traced to a letter to the Chancellor of the Exchequer, published by Dr. Priestley in the year 1787, on the subject of his opposition to a motion, made for the repeal of the Corporation and Test acts; he did not now mean to impute blame to that right honourable gentleman for his conduct on that occasion, though he was happy in the opportunity of declaring, that he should have voted for the repeal, had he possessed a seat in the House at that time, not much valuing the censure of a Birmingham Divine (Mr. Croft), who in the true spirit of bigotry and intolerance had declared, in one of his sermons, " that it were to be wished, that every
 " man, who was seduced by their (the Dissenters) plausible
 " arguments, might be excluded from the senate."

From the period last alluded to, the Clergy of the established Church had appeared to make a common cause against the Dissenters, and had shamefully perverted their ministry from the propagation of the principles of christianity, benevolence, and charity, to disseminating the most unwarrantable charges against the Dissenters, and representing them as persons disaffected to the constitution of this country. Sufficient evidence of this was to be found in the sermons of Mr. Madan, Mr. Croft, &c. The latter, in a preface to a sermon preached at *St. Philip's Church in Birmingham*, on Sunday, *January the 3d, 1790*, asserts, that "*The charge of republican principles against them, harsh as it may be thought, is well founded.*" And that it might not be amiss, if the Dissenters, "*while they are so anxious to do justice to William the Third, would speak with greater reverence of those general benefactors of the world, the first preachers of*"

“ *christianity.*” And in another place, “ The right of voting at elections and of sitting in Parliament unfortunately (as we think) cannot be taken away from the Dissenters. Their gross abuse of these privileges is the best argument that can be brought against additional acts of accommodation. And if the test act does not fully answer the purpose, we must remember that the evils of chicanery and evasion are almost irremediable.”

These incitements, and others like them, had their natural effects, and produced amongst the common people a spirit of hatred against the Dissenters, which, in due time, burst forth with the violence, of which the nation had been witness. From the commencement to the conclusion of the tumults, no cry was heard, but that of “ Church and King,” except that a single person once cried, “ No Popery.” The French revolution was never mentioned, nor hinted at. Persons of different religious opinions were present at the dinner. The Dissenters alone suffered. The house of Mr. Keir, the chairman of the meeting, and a Churchman, was never attempted to be demolished: no injury of any kind was offered to his property; the houses of Dr. Priestley, who was not at the dinner, and of Mr. Taylor, who was absent from Birmingham at the time it took place, were both burnt to the ground.

Dr. Priestley, a person, to his misfortune, much interested in this unhappy business, had declared his opinion, that the riot was of a religious nature. “ That the true source of the riots at Birmingham was religious bigotry, and the animosity of the High-church party against the Dissenters, and especially against the Presbyterians and Unitarians, and not the commemoration of the French revolution, is evident from all that has passed, before, at, and after, that day *.” It was not then the time to enter into any defence of Dr. Priestley’s religious or political opinions; he should content himself with expressing his veneration for so distinguished a character, who has been nearly compelled to fly from this land of liberty and toleration to some distant coun-

* Priestley’s Appeal, page 59, & seq.

try; but to no country could he have fled, where his fame would not have preceded him, where he would not have been received with open arms, and where he must not have been the involuntary means of publishing the disgrace of the English nation, by shewing, that while its inhabitants are extolling their liberality, and love of freedom, the most celebrated of its philosophers was obliged to abandon his native home, to avoid destruction, for the avowal of his religious opinions.

Mr. Keir had declared his opinion of the origin of these riots to be the same with Dr. Priestley, in his letter of July 20: "Nevertheless these false reports are all the pretences for the late horrible riots; but the event shews that they were only pretences, and that the Dissenters were the true object of the fury of the mob, as many of those gentlemen who have suffered from the riots were not present."—All the hand bills that were put forth, with a view to make impression upon the mob, bore testimony to this opinion; the following one, put out by Mr. Brooke, most unequivocally so:

" Temple Row, Birmingham, Saturday, July 16, 1791.

" WHEREAS some detestable villains, from the most wicked motives, to injure Mr. Wm. Windfor, a tenant of Mr. Brooke's, at Ashsted, have circulated a report that Mr. Windfor's buildings at Ashsted belong to the Corporation of Coventry. As such report is evidently intended to incense the friends of CHURCH and KING, to destroy the property of the said William Windfor; Mr. Brooke, whose most hearty attachment is well known to the real friends of CHURCH and KING, begs leave to address them, with the most solemn assurance, upon the word and honour of a CHURCH and KING's MAN, that the Corporation of Coventry, nor any Presbyterian, have any concern, or interest whatever, in the buildings and property of the said Wm. Windfor, at Ashsted, nor in any of the buildings belonging to Mr. Brooke, or any other person at Ashsted, and that upon all elections for the city of Coventry, where the said Wm. Windfor lived before he came to Ashsted, he uniformly voted against the Corporation and Presbyterian interest, and always supported the REAL TRUE BLUE, which is the CHURCH and KING party.

" Mr. Brooke, therefore, is convinced, that this Address will be attended to by the GENTLEMEN in the CHURCH and KING party, and hereby offers a reward of Ten Guineas for the detection of the rascals who gave rise to this false report.

" Church and King for ever!"

For what could the corporation of Coventry have to do with the commemoration dinner at Birmingham? Nothing;

but the corporation of Coventry were Dissenters, and Mr. Brooke well knew that that was title sufficient to the hatred and fury of the mob. The Magistrates and gentlemen of the county had manifested a coincidence of opinion by a famous hand bill, which had been put forth, and much commented upon :

“ Birmingham, Sunday, July 17, 1791.

“ *Important Information to the Friends of Church and King.*

“ *Friends and fellow Churchmen,*

“ Being convinced you are unacquainted, that the great losses which are sustained by your burning and destroying of the houses of so many individuals, will eventually fall upon the county at large, and not upon the persons to whom they belonged, we feel it our duty to inform you, that the damages already done, upon the best computation that can be made, will amount to upwards of one hundred thousand pounds, the whole of which enormous sum will be charged upon the respective parishes, and paid out of the rates. We, therefore, as your friends, conjure you immediately to desist from the destruction of any more houses ; otherwise the very proceedings of your zeal for shewing your attachment to the CHURCH and KING, will inevitably be the means of most seriously injuring innumerable families, who are hearty supporters of Government, and bring an addition of taxes, which yourselves, and the rest of the Friends of the Church, will for years feel a very grievous burden.

“ This, we assure you, was the case in London, when there were so many houses and public buildings burnt and destroyed in the year 1780, and you may rely upon it, will be the case on the present occasion. And we must observe to you, that any farther violent proceedings will more offend your King and country than serve the cause of Him and the Church.

“ *Fellow Churchmen,* as you love your King, regard his laws, and restore peace.

“ God save the King.

“ It is particularly hoped, for the honour of the Town, that all persons whatsoever will shew a due observance of the Sabbath Day, by desisting from every riotous or disorderly proceeding, as the strongest proof they can give of their principles in favour of the present establishment in Church and State.”

He did not mean to impute bad motives to any of the persons, who had signed this publication ; it might have been the best expedient that could have been devised at the time ; but he must say, that there never had appeared a testimony more disgraceful to the police of a country—to be reduced to the necessity of calling a set of ruffians, engaged in the destruction of the houses of their fellow subjects, friends ; a mob broke loose from every tie of order, morality, and religion, fellow Churchmen, was the lowest pitch of degrada-

tion, to which Magistracy could be reduced in this or any country. He could not help mentioning another bill, which, though anonymous, had been published by a person who seemed to have been well acquainted with the dispositions of the mob; it was in these words:

“ HASTY HINT FROM A CHURCHMAN.

“ MY BOYS,

“ I humbly intreat you to desist from any farther depredations, and be content with *the punishment you have already insisted on the Presbyterians.*

“ Do read the following extract from Burn’s Justice.

“ After that celebrated Judge has explained the nature of *riots* and *damages* done, he has these words:

“ And the hundred, city, or town, shall answer the damages thereof, as in cases of robbery.”

“ So that, my Boys, you will clearly see, that by destroying *private property*, all damages will be to be made good by the town.

“ *Friday, 5 o’clock.*”

Add to all this the testimony of Dr. Parr, a person who had uniformly opposed the repeal of the Corporation and Test acts, who, in a late publication, has this passage:

“ Such, and such only, has been my connection with Dr. Priestley. And was it for this, that in a season of deep distress, and dreadful danger, my principles were on a sudden gnawed at by vermin whispers, and worried by brutal reproaches? That my house was marked out for conflagration? That my family were for three days and three nights agitated with consternation and dismay? That my books, which I have long been collecting with indefatigable industry, upon which I have expended more than half the produce of more than twenty years unwearied labour, and which I considered as the pride of my youth, the employment of my riper age, and, perhaps, the best solace of declining life—was it for this, I say, that my very books were exposed to most unexpected, most unmerited destruction? In what age, or in what country, do I live? Whither, as an unoffending citizen, shall I flee for the protection of the laws; and where, as a diligent and a faithful teacher of Christianity, where shall I look for its salutary influence, even amongst those

“ who make their boast of being its most zealous defenders?
 “ *O superbiam inauditam! Alios in facinore gloriari, alijs re*
 “ *dolere quidem impunité licere.* But the ways of Provi-
 “ dence are unsearchable; and among all the anomalies
 “ which baffle conjecture, and afflict sensibility, in the
 “ moral world, the follies, the ficklenesses, and the
 “ passions of man, are the most inexplicable, and the
 “ most deplorable. He is a tyrant in defence of liberty—
 “ he is a plunderer for the support of law—he is an op-
 “ pressor for the honour of Government. He is a savage
 “ in the very bosom of society—he becomes the unrelent-
 “ ing persecutor of his species, for the imaginary glory of
 “ his God.”

And, above all, the sentiment thus expressed by Baron
 Perryn, in his charge to the jury at Warwick—“ After
 “ having thus stated this law to you, I cannot refrain from
 “ expressing my wonder and astonishment, that when all
 “ religious persecution had ceased, and toleration was ex-
 “ tended to all, that such a period should have been cho-
 “ sen for the commencement of persecution, and for the
 “ commission of every species of violence and desolation.”—
 An opinion which, from its source, and the occasion upon
 which it was delivered, must be deemed conclusive.

Having established this position, he should proceed to
 shew that proper steps had not been taken to suppress these
 riots; that they had raged during three successive days, to
 use the words of the noble and learned Lord who now pre-
 sides in the Court of Common Pleas, on another occasion,
 “ under the eyes of *patient* Magistrates.” He had then in
 his hand thirty-six affidavits, all agreeing in substance, and
 all charging upon the Magistrates a gross neglect of duty;
 and some carrying their charges to a much greater extent.
 Those affidavits had long been under the eyes of His Majes-
 ty’s Ministers, and the law officers of the Crown; some of
 them had been delivered to them so long ago as in the month
 of July, 1791; they contained matter of crimination against
 the Magistrates and others, and no steps had been taken in
 consequence. Upon the face of the matter, Ministers them-

themselves appeared highly reprehensible. But on a former night, the Attorney General had attempted to invalidate the testimony contained in the affidavits, and the manner in which he had proceeded to do this, had been somewhat curious.— He had said, that Mr. Chamberlayne, the Solicitor to the Treasury, had been sent down, on purpose to take informations relative to the riots, and that the substance of these affidavits ought then to have been taken in the shape of informations. It was true, that Mr. Chamberlayne had been sent down; and it was universally allowed, that he conducted himself on that occasion with the utmost impartiality and propriety; but had Mr. Chamberlayne neglected to tell the Attorney General that it was with his *approbation*, if not by his *advice*, that persons who had complaints to make of the conduct of the Magistrates had adopted the method now for the first time complained of viz. of taking the evidence against them by way of affidavits, and sending them up to the King's Ministers. The learned gentleman had alledged that the evidence they contained was taken *ex parte*. Was not that the case with all evidence given before a Grand Jury, and with the evidence against the rioters, which had been given in informations before the Magistrates? and would not the same objection have been in force against the evidence contained in those affidavits, had it been shaped into information by Mr. Chamberlayne himself when he was on the spot? In their present state, the persons who had sworn to them could not be indicted for perjury; but if a motion were made upon them in the Court of King's Bench, the deponents would instantly become amenable to the law, in case they had sworn falsely. Even if this was not the case, it should appear sufficient ground for administration to have instituted an inquiry upon, that six-and thirty persons had concurred in their relation of matter of so great importance.

Mr. Whitbread then entered into the history of the riots and their circumstances as they have been generally known, taking particular notice of the inflammatory hand-bill,

which had made so much noise, and had sometimes been confounded with the advertisement for the dinner*, which had appeared some days before, and the circumstances accompanying its first publication; at the same time observing on the following hand-bill under the title of an incendiary refuted:

" An Incendiary refuted.

" A paper having been distributed in the town this morning, evidently calculated to weaken the attachment of the people to the present excellent form of Government, and to excite tumults similar to those which have produced the most atrocious murders, anarchy, and distress in a neighbouring kingdom: it is thought proper to apprize the good and peaceable subjects of this place, that *every position* in that seditious hand-bill is *as false and factious* as the *wretch* who composed it.

" The perfect enjoyment we now experience of every blessing, freedom, and protection a mild Government can bestow, is the best refutation of the detestable calumnies of the author of the hand-bill; and whatever the *modern republicans* may imagine, or the *regicidal propounders of the rights of man* design, *let us convince them*, there is enough of loyalty in the majority of the inhabitants of this country, *to support and defend their King*; and that we are not so destitute of common sense, as not to prefer the *order, liberty, happiness, and wealth*, which is diffused through

* The original advertisement was in the following terms:

" Hotel, Birmingham, July 7, 1791.

" Commemoration of the French Revolution.

" A number of gentlemen intend dining together on the 14th instant, to commemorate that auspicious day which witnessed the emancipation of twenty-six millions of people from the yoke of despotism, and restored the blessings of equal government to a truly great and enlightened nation; with whom it is our interest, as a commercial people, and our duty, as friends to the general rights of mankind, to promote a free intercourse, as subservient to a permanent friendship.

" Any Friend to Freedom, disposed to join the intended temperate festivity, is desired to leave his name at the bar of the Hotel, where tickets may be had, at five shillings each, including a bottle of wine; but no person will be admitted without one.
" Dinner will be on table at three o'clock precisely."

On the second appearance of this advertisement, in the Birmingham Gazette, the following was likewise inserted:

" On Friday next will be published, price one halfpenny,

" An authentic list of all those who dine at the Hotel, Temple Row, Birmingham, on Thursday, the 14th instant, in commemoration of the French Revolution.

" Vivant Rex et Regina."

“ every portion of the British empire, to the *anarchy*, the *licentiousness*, the *poverty*, and the *misery* which now overwhelm the degraded kingdom of France.

“ *Birmingham, Monday, July 11, 1791.*” *

- Which appeared, he said, in consequence of the first; but so immediately did the second follow it up, or rather they appeared so precisely at the same instant, that it gave room for suspicion that *both* were the production of the same author. Besides these facts, which appeared to demand the investigation of the executive Government, the affidavits contained more serious and alarming matter. It appeared, from Mr. Burne's reply to Priestley's appeal *, that the Magistrates, aware of the possibility of a tumult, had dined in town on that day (July 14th), purposely to keep the peace. The affidavits stated, that about three o'clock, a crowd was assembled round the door of the hotel, as the company were proceeding to dinner; that some of the mob hitied, and shewed symptoms of tumultuous disposition, but did not proceed to any very great excesses. That the two Justices (Dr. Spencer and Mr. Carles), walked arm in arm through the crowd, enjoying their huzzaing, without attempting to disperse them. That the company dined, and dispersed between five and six in the afternoon, without molestation. That, soon after seven, the mob were again assembled before the hotel, and the Justices came there; they were proceeding to break the hotel windows, when Justice Carles said to them, that “ the gentlemen who had “ dined there had long left it, and desired them to go peaceably home;” but he also assured them, that “ the Justices “ would protect them in every thing that was right, and “ desired them to take care to do nothing that was wrong.” Dr. Spencer also made a speech, and both the Magistrates joined in the huzzas of the mob, and the cry of “ Church “ and King,” taking off their hats, and waving them round their heads. One of the crowd soon after asked, “ whether they would not give them leave to shake a little of

* Page 59.

"the powder out of Dr. Priestley's wig." [A laugh in the House.] Mr. Whitbread said, the House sympathised with the Magistrates, for they had also laughed upon this expression; they did not recollect, that had the hem only of this man's garment been touched on that day, his life was gone. After this joke had been received with three huzzas, one of the Magistrates said to the mob, "you are all hearty fellows; if I had it in my power, I would make you all drink," and then they both retired to the inn where they had dined, without attempting to disperse the persons assembled.

Some time afterwards, the mob had begun to break the windows of the hotel, and the Magistrates again made their appearance. One of them assured the mob, that "the gentlemen were all gone," and actually pulled two or three of them into the house to see that it was so. The same Magistrate was here heard to say, "My friends, do not revenge yourselves upon this man; he gets his living by making dinners for gentlemen; if you wish to be revenged upon them, go down to their meetings." Instantly, there was a general cry of, "to the New Meeting," and some of the mob cried out, "to the New Meeting; Justice Carles will protect us," and this in the hearing and presence of the Magistrate himself; others cried out "The Justices say we may pull down the meetings, but not hurt any person's property." They proceeded immediately to the New Meeting, and destroyed it, the Justices not at all interfering to prevent them. While they were engaged in its destruction, both the Magistrates were seen in the streets at no great distance; and at one time, Justice Carles said to a number of persons riotously assembled round them, "Do not do any other mischief than pulling down the meetings, and I will stand your friend, as far as lies in my power." And about this time, after Justice Carles had concluded a speech to the mob, with shouting "Church and King for ever," one of them, who stood near to the Magistrates, cried out, "Damn it! what is the meaning of Church and King?" To which an-

other replied, " Blast your eyes! to burn all the meetings, " to be sure."

These expressions shew the spirit that actuated the persons then assembled, but the Magistrates turned away, and took no notice of them, and it cannot be wondered at, that the New Meeting was immediately afterwards in flames. The mob having finished their business, they went next to the Old Meeting, which they also destroyed, in presence of one at least of the Magistrates, who, so far from reading the riot act, or making any attempt to quell the tumult, said, " he " was very glad they did not attempt to meddle with private " property." In this state of confusion was the town, when the Magistrates, at a very late hour, thought proper to quit it, and retire to their own houses at some distance, thinking perhaps, as the Attorney General had suggested on another night, that the mob would be satisfied with the demolishing of one or two meetings, and disperse. That, however, was not the nature of mobs. The appetite for devastation it was not in the power of man to gorge.

" There best where ravin most prevails,

" To stuff that maw, that vast unhidebound corpse."

The next time that either of the Magistrates appeared, in the history to be collected from the affidavits, was at Dr. Priestley's house. Doctor Spencer was present while the rioters were engaged in the demolition of that House; and instead of reading the riot act, or taking any step to disperse them, he called several of them to him, and made them give an huzza, and join with him in the shout of " Church and King," he then said, " you " have done very well what you have done; don't hurt the " house; it does not belong to Dr. Priestley; it belongs to " Mr. Lloyd, a Quaker, a respectable gentleman by all that " know him." One of the mob said, it belonged to Squire Taylor; another said, it belonged to somebody else; but several cried out, that " it belonged to the Presbyterians, " and it shall come down!" Dr. Spencer then retired, and when he was departing, " Take care, and do not hurt one " another." The mob huzzaed; followed him to the gate

that led into the turnpike road, and then returned to the house, which they demolished and burnt. Even so late as Sunday the 17th when Justice Carles was going to meet the soldiers, his post chaise stopped in one of the public streets, that he might inquire the way; and a number of persons having crowded round his carriage, it is stated, that he took off his hat, and waving it out of the window, cried "Church and King for ever. My lads, be true to your cause; stick to your cause; be of my determination, to lose the last drop of blood in your body; I'm determined to lose the last drop in mine. Don't leave them Presbyterian dogs a place standing." He then huzzaed, and cried "Church and King," at the same time he also flourished a drawn sword out of the window of the carriage, shouting "Church and King for ever; down with the Presbyterians!"

Mr. Whitbread said, there was another gentleman with whom he believed the right honourable Secretary had been lately acquainted, who was also strongly criminated in these affidavits; he meant Mr. Brooke, who is stated to be a Deputy Under Sheriff for the county of Warwick. Several gentlemen, it seems, were assembled upon the steps of his door, (his house being described as situated near the hotel) when the company were going in to the dinner, encouraging the mob to insult them. And one of the gentlemen said aloud, "he would give a guinea to any person who would fetch the first out of the room by the nose, and lead him round the church-yard." Another gentleman was heard to say, that "Mr. Brooke would give away a half-hogshead of ale at night." Late in the evening, after the windows of the hotel were broken, it appears, that a numerous party were regularly drawn up before the House of Mr. Brooke; that he came out, and addressed them in a low voice and "appeared to be giving them something," and then holding his arm up over the heads of the multitude, pointed to Bull Street, which leads to the New Meeting, and immediately there was a cry of "To the New Meeting—To the New Meeting," among those to whom he had before addressed himself, and they run towards the New Meeting; the mob assembled before the hotel also dispersing, and following them. In the

course of the evening, he was seen with the Magistrates before the hotel huzzaing with the mob, and crying out "Church and King." On the Friday, when the house of Dr. Priestley was in flames, Mr. Brooke, with two other gentlemen, rode up to the house of Mr. Humphreys, before which a number of rioters were assembled, and threatening to destroy it, and addressed them in these words: "My lads, you see your power; my boys, you see that if any attempt is made against the Government of this country, you have it in your power to quash it. You have done enough, now go home," and immediately after this exhortation, went away, leaving the rioters still assembled before Mr. Humphreys' House. He afterwards addressed the mob at Mr. Ryland's, nearly in the same terms; "Gentlemen," said he, "I applaud you for what you have done; but stop here; this is private property; though these are the men who wished to overturn the constitution, we have other means of redress," but took no other steps at that time to disperse the mob; and they contrived to destroy the House, and afterwards burnt it.

These things appeared in affidavits, that were not contradicted; he did not say that they were all true, but he would say that the executive Government had acted in a manner highly reprehensible not to have instituted an inquiry into these facts. He knew he should be told that the inhabitants of Birmingham had voted their thanks to the Magistrates for their conduct during the riots. He hoped they were right in this vote of approbation; he should be glad of it, for the honour of human nature, and for the honour of England; but notwithstanding this, when such serious charges were made against men, it was the duty of the executive Government to inquire whether such charges were true, and he thought they were answerable for the delay that had already taken place. All he had stated, he believed, would appear, if any inquiry should be granted; and he called upon every man of any weight in that House to support him in this instance, because he felt it was essential to the character of the British nation. He could produce

at the bar of that House, other facts, besides those which he had opened, tending to criminate the Magistrates of Birmingham. To impress the idea, that a small force, at the commencement would have stopped the rage of the mob, he observed, that at the house of one person, which the mob had marked for destruction, three gentlemen had determined to resist; one of them fired a pistol, loaded with powder only; the moment he thus fired, the mob did not stay to enquire whether any person had been wounded, but all immediately fled; the same means would, at any other place, have proved equally efficacious. A recruiting party happened at this very time to be at Birmingham. They were offered for the service of the Magistrates, to repel the mob, and an officer said that he would lead them on, and stop the riot; they were accordingly drawn up, but the Magistrates refused their assistance, and dismissed them.

It had been asserted, that the Dissenters, in their address to the King, had virtually declared that they had met with every possible assistance from the Magistrates, as well as from the executive Government; but if the address was consulted, it would be found to speak a different language. It says, “ Assured not of our innocence alone, but of our
 “ unalterable attachment to your august person, and to the
 “ succession of your Royal House, we respectfully claim
 “ your Majesty’s continued protection and favour, and beg
 “ leave most earnestly to assure your Majesty, we have no
 “ thoughts of disturbing the constitution. We are the de-
 “ scendants of those to whom (as the annals of our coun-
 “ try will testify) the revolution, which secured to your
 “ illustrious house the Crown of these kingdoms, was great-
 “ ly indebted. *The civil constitution of our country, is our*
 “ *pride and our glory*; which we have been taught from our
 “ infancy to revere, and which we would die to preserve.
 “ Indeed, Sire, though deeply afflicted by the late riotous
 “ devastations, *and by the want of energy in the civil power,*
 “ yet we speak from hearts that are actuated by the love of
 “ law, of peace, of order, and good Government. Sen-
 “ sible of your Majesty’s goodness, in the vigorous measures which

“ have been adopted for suppressing the outrages, which a lawless
 “ banditti were spreading through this place and its environs,
 “ we offer you the warmest tribute of our gratitude, for the
 “ happy deliverance we have experienced by the wisdom of
 “ the measures planned by your Majesty’s Ministers, and by
 “ the energy and promptitude with which they were so suc-
 “ cessfully executed ;” evidently referring only to the speedy
 succour which had been given, by sending troops, when they
 had been applied for. And he did not wish to omit that op-
 portunity of doing justice to the vigour, activity, and conduct
 of Captain Polhill, who commanded the first party which ar-
 rived ; but it was a remarkable circumstance, that till the Fri-
 day no troops had been sent for at all, although the Magistrates
 had been repeatedly urged on that point ; and he believed, that
 at last they had come in consequence of a letter written by a
 private individual to Lord Hawkesbury, and not of any official
 requisition.

A party of horse arrived on Sunday afternoon, and upon their
 first appearance the mob vanished.

The riots, Mr. Whitbread said, were now at an end ; but
 still the Dissenters had cause to complain of the spirit or per-
 secution which raged against them. The passions of the popu-
 lace had been excited by the most inflammatory publications,
 and the Dissenters had hoped that Government would have
 done them justice, and prosecuted their authors. It was under
 this idea that the Dissenters had desisted from prosecuting the
 printers of the newspapers for an infamous paragraph which
 appeared a few days afterwards, reflecting on those who had
 attended the celebration of the French revolution, and charging
 them with high treason. Mr. Whitbread then noticed the dif-
 ficulties which had been thrown in the way of the sufferers, in
 their attempts to bring offenders to justice ; but particularly
 the pardons which had been granted to two of the convicts.—
 For extending the Royal mercy to *one*, no reason whatever had
 been assigned ; and it unfortunately happened, that *the other* was
 pardoned upon evidence taken in an extrajudicial way, and
 bearing too great a degree of similarity to the famous case of
 M’Quirk.

Mr. Whitbread, in order to shew that he was calling upon
 the House to do nothing new in taking cognizance of the mis-
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conduct of the Magistrates on the present occasion, stated various precedents of cases, in which they had been prosecuted or punished for neglect of duty, in not suppressing riots. He mentioned particularly the address of that House presented in 1715, on the subject of the Staffordshire riots, praying George the First to give orders that the Magistrates should be struck out of the commission of the peace; and he was pleased graciously to comply with their request; the case of a Magistrate in Devonshire, against whom Sir Dudley Ryder, when Attorney General, had filed an information for not reading the proclamation in the riot act to rioters plundering a wreck; and that of Sir Brackley Kennett, in our own time, who was prosecuted for not exerting himself for suppression of the riots in 1780, during his Mayoralty; was tried, convicted, and brought up for judgement in the Court of King's Bench; but at the recommendation of the Lord Chief Justice (Lord Mansfield) his sentence was postponed, and shortly afterwards he died without any having been passed upon him.

He took notice of the petition for compensation of damages, which had been offered, to be presented on that day, by a worthy Baronet (Sir Robert Lawley), which rendered it unnecessary for him, for the present, to say any thing on the subject: he hoped it would meet with due attention from His Majesty's Ministers. It was highly necessary it should do so; for though the Dissenters had recovered a large sum, not less than 37,000*l.* in the Courts of Law, yet, if the whole amount of their demands was complied with, they would still be great sufferers.

Having thus gone through the whole of what he had to offer to the House, Mr. Whitbread said, he certainly should have troubled them no longer, contented, whatever might be the fate of the motion he should offer, with having done his duty. But, having been charged with indiscretion for agitating this question, he could not help saying a few words in vindication of his own conduct upon the occasion. Indeed he had little expectation to have heard the charge from the quarter whence it had proceeded (Mr. Dundas). That right honourable gentleman had on a former night called upon his right honourable friend (Mr. Fox) for the explanation of what he had termed an irregular gesture, which seemed to point at the conduct of administration upon the subject of the Birmingham riots; he

then could not sit easy under the slightest imputation of neglect or misconduct; and yet, when he had given notice of his intention to agitate the question in the House, the right honourable gentleman had expressed the utmost alarm, and had begged him for God's sake not to do so imprudent a thing; when all was quiet, not to revive a dying flame. But let the House consider in what state of quiet the inhabitants of Birmingham really were; the weak were oppressed by the strong. • It was his object to inform the country, that the weak would not be suffered to fall a sacrifice to the strong, but that all should receive equally the protection of the law whenever their rights were invaded, whatever their religious opinions might be. To what extent did the doctrine of the right honourable Secretary not go? The more riots happened, the more dangerous would it become, as he had observed before, to bring the authors, and abettors of them to justice. The right honourable Secretary might sit with the patience of Job to hear of outrages committed on the Dissenters in every part of the kingdom, till at last, like Job's messenger, one would arrive and say, "I only am left alone to tell thee."

Since he had come into the House that evening, Mr. Whitbread added, he had heard, that even since the notice he had given of his present motion, another riot had taken place at Birmingham; and the Magistrates had refused to act, or read the proclamation in the riot act. If that were true, and he had no reason to doubt it, the necessity became pressing, indeed, upon him to urge the House to take cognizance of their conduct. A stronger argument could not be used to shew the propriety of the House adopting the following address. He then moved,

"That an humble address be presented to His Majesty, humbly praying His Majesty to give directions, that there be laid before this House, an account of such informations as have been laid before His Majesty's Ministers, concerning the conduct of the Magistrates of the county of Warwick, as far as the same had any relation to the riots at Birmingham in July 1791, and the trials of the rioters; and also of such measures as have been taken by His Majesty's Ministers, for the purpose of proceeding according

“ to law against such Magistrates as may have appeared to
 “ have neglected their duty ; and also, that His Majesty will
 “ be farther pleased to order an account to be laid before this
 “ House of any intelligence that may have been received by
 “ His Majesty’s Ministers, relative to such of the authors
 “ and instigators of the said riots, as have not already been
 “ prosecuted according to law.”

The motion being read,

Sir ROBERT LAWLEY said, he had lately had information which confirmed the account of the inhabitants of Birmingham being pleased with the exertions of the Magistrates at the time of these riots, and had in his hand a paper, signed by many respectable people, (Mr. Curtis, Mr. Carver, and others) declaring, that seeing by the votes that the honourable Member had given notice of his motion, they thought it their duty to testify their approbation of the conduct of the Magistrates. The motion he conceived to be highly imprudent, and thought that the honourable mover had raked up the embers of a dying flame. He would not assert that it was entirely a political riot, but he was firmly persuaded, that if there had been no political meeting on the 14th of July last, there would have been no riot at Birmingham.

Mr. Secretary DUNDAS, after saying he regarded all mobs with equal abhorrence, whether religious or political, and that if any inquiry was necessary, the consideration of what had produced the riot would be out of the question, and also that, as far as regarded himself personally, he had not the slightest objection to inquiry; and after hinting, however, that the political meeting, which, whether innocent or not, was certainly, at that time, unwise, was the chief cause of the riot, proceeded to the reading of the following hand-bills, which, he said, had a great effect on the minds of the people at Birmingham :

“ *My Countrymen,*

“ The second year of Gallic liberty is nearly expired. At the
 “ commencement of the third, on the 14th of this month, it is
 “ devoutly to be wished, that every enemy to civil and religious
 “ despotism would give his sanction to the *majestic common cause*,
 “ by a public celebration of the anniversary. Remember, that on
 “ the 14th of July, the Bastile, that “ high altar and castle of Des-

"potism," fell. Remember the enthusiasm, *peculiar* to the cause of liberty, with which it was attacked. Remember that generous humanity that taught the oppressed, groaning under the weight of insulted rights, to save the lives of their oppressors! Extinguish the mean prejudices of nations; and let your numbers be collected, and sent as a free-will offering to the National Assembly.

"But is it possible to forget that your own Parliament is venal? Your Minister hypocritical? Your Clergy legal oppressors? The reigning Family extravagant? The Crown of a certain Personage becoming every day too weighty for the head that wears it? Too weighty for the people who *gave* it? Your taxes partial and excessive? Your representation a cruel *insult* upon the sacred rights of property, religion, and freedom?"

"But on the 14th of this month, prove to the political sycophants of the day, that you reverence the olive branch; that you *will* sacrifice to public tranquillity, till the majority *shall* exclaim, *The peace of Slavery is worse than the war of Freedom.* Of that moment let tyrants beware."

The most violent of them, it was true, could not be known, so as to find out its author. Each party had given it to the enemy, but it was clear that as soon as inquiry was set on foot, and a prosecution talked of, a dissenting Minister, who had long resided there, disappeared at once, went abroad, and was no more heard of. This was not conclusive evidence, but it was a circumstance carrying with it strong suspicion, and that suspicion to this day had not been removed.

The substance of the present motion he took to be founded; 1st, On the steps taken by Government to quell the riots; 2dly, The care taken to discover the rioters; 3dly, The steps taken to bring them to punishment; 4thly, Lenity shewn to those who had been tried; lastly, The reason why Ministers did not proceed to try the Magistrates. On each of these points he expatiated for some time. On the first he gave an account of the intelligence received, which he maintained to have been brought to town in the morning of Friday, the riot having commenced only on Thursday afternoon. He said, that in this case the Earl of Aylesford had conducted himself in a manner highly praiseworthy. He alledged also, that all possible expedition was used to send for troops for the purpose of quelling of

these riots; for it was known to be impossible to quell the riots without a military force. The intelligence came to him about ten o'clock in the morning on Friday. Instantly dispatches were sent to Nottingham, 133 miles. From thence to Birmingham, the distance was 56 miles. The troops marched immediately, and they arrived at Birmingham about three o'clock in the afternoon, on Sunday.— In this part of the business there was certainly no remissness on the part of Government, and the riots were pretty well got over on Monday.

The next step was the discovering the rioters; and here again Government had done all they could. They sent down the Solicitor of the Treasury, and with him an able Counsel, and a very active Magistrate, to discover the offenders. Here he read the instructions given to these gentlemen, all shewing that the greatest vigilance was used on the part of Government to discover the offenders. He also read a letter from the Solicitor of the Treasury, when at Birmingham, giving an account of a conversation he had with Mr. Russell, upon the subject of taking informations against the Justices, purporting, that under the circumstances, he had agreed with Mr. Russell that affidavits should be made of the facts thought material against the Magistrates, and that they should be sent to the Secretary of State. From this letter, he argued, that when the Solicitor of the Treasury had offered to get any facts, tending to criminate the Magistrates, taken in the form of information, the Dissenters themselves had declined it, and preferred the less satisfactory way by affidavits. The next point was the bringing of the rioters to punishment. Twelve of them had been reported to be deserving of trial. They were all tried—The jury acquitted eight of them. It was true that some persons in Court doubted of the propriety of their verdicts of acquittal. However, the jury resented the imputation. Whether they were right or wrong he could not say. All that he had to maintain was, that their acquittals were not the fault of Government. The next point was the lenity shewn to those who had been convicted. Four

of them stood in that situation. One of these was pardoned upon a principle which always, he believed, guided the Council of His Majesty, always, at least while he had the honour to be of that number, it was a principle which appeared to him to be the most just and rational—that of following the report of the Judge. In this case the Judge had reported favourably, and therefore he was pardoned. But the case of the other was very different. Two days before the time at which the execution was ordered, he received a letter from Sir Robert Lawley, stating, that very particular facts had been disclosed with regard to this prisoner, and beseeching on his behalf that a respite of fourteen days should be sent down to him—There was no time to deliberate, the respite was sent; but with it directions to inform the prisoner not to flatter himself with hopes of mercy, unless it should appear that every syllable that had been urged in his defence was true; in the mean time directions were given to examine into the facts, and a gentleman went down to cross-examine these witnesses, as if they had been interrogated in Court. The result of the evidence was, that this poor fellow was an honest hard-working mechanic; that he was seen in a house that was on fire at the time of the riots; and that he had actually taken up some of the boards of a floor that confined the smoke; and by doing so, had saved the lives of several people who were then in the house, and that he did it with that intent. The gentleman sent down to cross-examine these witnesses had made this report; to which he added, that he verily believed, that if this poor man was executed, an innocent man would suffer. This was not all. He waited until the learned Judge who presided at the trial arrived in town, who was then near 300 miles off. When he arrived, he sent that report to him, and requested him to look it over; to compare it with his own notes at the trial, and to give his opinion on the result. The learned Judge did so; and afterwards said, that he saw nothing in the report that was inconsistent with any part of the trial; that it was clearly possible; and added, that if that had appeared at the trial, it might have been a ground

for the jury to have acquitted the prisoner. These were the real terms on which he had advised His Majesty to extend his Royal mercy to those persons, and he was far from wishing to shelter himself behind the prerogative of the Crown in this case. On the contrary, he held himself responsible to that House, whenever called upon, to account for the advice he gave the Sovereign to pardon a criminal, as well as any other advice. With respect to Government declining to institute prosecutions against the Magistrates in question, he observed, that he followed the advice of the Attorney General, who on the most mature deliberation of the various cases, was not of opinion, that there was a probability of conviction in those cases; and that prosecutions might, perhaps, affect and injure the applications about to be made for pecuniary compensation to those who had sustained losses. He did not expect that these Magistrates, in the time of such tumult and danger, should be quite accurate either in their expressions or their conduct; but he was far from being sure that those who heard them, heard correctly enough to exclude all possibility of mistake. However, the truth was, that Government, if it had the wish, had not the power to prevent prosecution in these cases, it was always open to every man in the kingdom, either by indictment or information, as he should think fit to bring the matter forward. And if the Dissenters were dissatisfied, they might prosecute the Magistrates themselves; they were not prevented by the acts of Government. He made many other observations; particularly, he said that he agreed with the honourable gentleman who had made the motion, that there might be a persecution of sectaries from the established pulpits; but there might be a persecution of the Church by sectaries. Having made other observations, he concluded by repeating, that as far as regarded himself personally, he had not the shadow of objection to the proposed inquiry, and he should wish the House to discuss the matter freely. Whatever way it was determined would be perfectly agreeable to him; the House would exercise its own judgement.

Mr. WHITBREAD explained, and observed he made no accusation specifically ; all he had said was relative to the policy of this country suffering such imputation on the distribution of public justice.

Mr. WINDHAM said, conceiving the subject to require very little observation, he should be short in what he should submit to the House ; but the right honourable gentleman (Mr. Dundas) had introduced so many circumstances into the debate, that had no reference to the subject before the House, that he wished to dismiss them from their attention, and point out the very small compass in which the real merits of the question were comprised. The question, Mr. Windham said, was, simply, whether the Magistrates acted properly ; or whether, which he feared was the fact, their conduct had not been influenced by the animosities of the place ? There was an essential difference between the cause and the occasion of any event. If it were true, that had no hand bills been published, nor any meeting taken place, disturbances would not have happened, it was equally true, he observed, that had no religious difference subsisted, previous to that meeting, and antecedent to the publication of those hand bills, no tumult would have occurred.

He complained very much of the manner in which the Dissenters were treated in this country. There was a disposition to run them down by violence, and to shut them out from justice. We should take care that they should not have so many reasons to be dissatisfied.

Mr. JENKINSON contended against the motion, and thought it unnecessary to institute an inquiry, by the extraordinary means of the House of Commons, when the ordinary mode of appealing to the laws would afford every redress required ; and the Dissenters themselves might, if they pleased, institute prosecutions against the Magistrates, founded on those affidavits. He argued, that those affidavits were not entitled to full credit, because they had been taken before Dissenting Justices of the

Peace ; and he said that the House ought not to institute an inquiry, when the persons who were supposed to be injured did not desire it, and when no individual had made any complaint to the House. If those who suffered most remained silent, it became not Ministers to step out of their way, or Parliament to make that a matter of inquiry which concerned individuals only.

Captain FINCH said, it was true there were recruiting parties at Birmingham, but they had no arms, and could be of little service. He adverted to the mention of the hand-bill, to which the name of Lord Aylesford was subscribed, and hoped that it was not introduced with a view of reflecting on the conduct of persons who had done every thing in their power to suppress the riots.

Mr. WHITBREAD said, he had mentioned it not as reflecting on any individual, but as disgraceful to the police of the country, that persons in the actual violation of all law should be addressed by Magistrates by the appellation of friends and fellow-Churchmen.

Mr. LAMBTON said, that without a formal complaint from any set of men, the facts stated in the affidavits were sufficient to call for an inquiry into the conduct of the Magistrates. The House, they were told, must not inquire, for fear of raking up the smothered embers of dissention. Was this an argument to be endured for a moment ? And was that House to be told, that abuses actually committed, must be passed over in silence, lest some persons should be provoked to commit fresh ones ! To say this, he remarked, was to avow that the Government of the country was too feeble to protect or to punish. It was of little importance to the House whether the pretext for the riots was of a political or religious nature ; but it was of great importance to the Dissenters, and they felt it to be so. That it was purely religious, the cries of " Church and King," and the conduct of the mob, fully proved, beyond a possibility of doubt.—Mr. Keir, a member of the Church of England, was Chairman of the meeting, assembled on the

14th of July. His property was not touched by the rioters ; but the houses of Mr. Taylor, and other gentlemen, who were not at the meeting, and were even averse to it, were destroyed. They were Dissenters, and it was evident that not their political, but their religious opinions were looked to upon the occasion. The dissenting Clergyman, to whom the inflammatory hand-bill was imputed, on account of his absentsing himself from the country, he understood to be absent, because his house had been burned, and he could neither afford to rebuild it, nor sue for the damage he had sustained, and because there was a doubt, in point of law, to whom the house belonged, and a Chancery suit must be determined, before it could be ascertained in whose name the action should be brought. Long before the dinner of the 14th of July was thought of, had the Clergy of the established Church at Birmingham preached and printed, in the most unqualified terms, against the Dissenters ; for proof of which, he would read the following extracts from a sermon of the Reverend Mr. Madan's, Rector of St. Phillip's, preached in 1790 :

“ It is farther,” says that Clergyman, “ to be considered, that the Presbyterian principles are unquestionably “ *republican* ;” and this observation, in a subsequent publication, he declares he intended to apply to the Dissenters *in general*. In another place, he says, “ it is necessary to “ remark, that the principles of the Socinian doctrine in “ this place, are evidently gaining ground among the Presbyterian, and certainly those principles are not more “ consistent with the doctrine of the established Church, “ and no less dangerous to the State, than any of the tenets of Popery.” And again, “ Is there no reason to “ receive with suspicion their declarations of reverence to “ the Government, and of loyalty to the King, (however “ speciously and pompously announced) when the amount “ of that reverence has been exactly ascertained, by a woe- “ ful experience of republican tyranny, and that loyalty “ has been exactly delineated with the blood of a King.”—

He would not trouble the House with farther quotations ; these were sufficient to shew that the unhappy disturbances at Birmingham had originated in the narrow bigotry, and intolerant spirit, of the Clergy.

He drew a contrast between that religion which teaches charity and brotherly love, and that abuse of it which produces only mutual hatred and persecution. Could the Almighty accept that worship which came reeking from outrage, conflagration, and destruction ? Persecution was a dangerous weapon, either for a divine or a politician.— It often failed to strike those against whom it was aimed, and recoiled on the heads of those who attempted to wield it. If the affidavits were true, the conduct of the Magistrates had been highly culpable, and in justice to themselves, if innocent, and to the country, if guilty, the charges contained in them ought to be inquired into.

Mr. CURWEN said, the affidavits laid so strong a ground for inquiry, that he was astonished no steps had been taken upon them by the Officers of the Crown. Favourably as he was disposed to think of the learned gentlemen, whose duty it more immediately was to take those steps, he should think it his duty, if nobody else would do it, to make a motion against His Majesty's Law Officers, for having neglected to institute an inquiry. Instead of issuing proclamations to teach the people their duty, it would better become the House to set them a good example, by performing the duty with which they themselves were entrusted, and taking care that persons in high official situations did their duty also.

The ATTORNEY GENERAL said, the affidavits were not taken in such a way, or with such a careful examination of circumstances, as he thought indispensably necessary ; and he declared he would never put a charge on record against Magistrates, who were always to be considered as volunteers in the public service, on such evidence ; evidence, which was taken *ex parte* ; not in the presence of the persons accused, and without any cross-examination of the witnesses. Nothing less would satisfy him, than evidence collected with the same care and precaution that had been employed in taking the informations on which the prosecutions of the rioters had been founded, and

which informations were taken publicly, and where the witnesses underwent a cross-examination.

He recapitulated the advice he had given to the Secretary of State, and the steps taken in consequence, by sending down one of the Solicitors to the Treasury, with proper Counsel, to aid the Magistrates in taking the informations, and said he would have gone himself, had not the other business of his office detained him in town. His next care, he said, was that the trials at Warwick and Worcester should be properly conducted; and to name the Counsel who appeared there for the Crown, was to suggest to every gentleman who heard him, the highest ideas of ability and honour. Some verdicts of acquittal had been complained of; but such was his reverence for the decision of a jury, that he always supposed they must have seen something, on which to form their opinion, which he could not see, from the mere perusal of the evidence. It had sometimes happened to him, that when he was in Court, he had thought the decision of a Jury wrong, but on conversing with some of them on the subject afterwards, he had been convinced that they were right, and he had been in the wrong. Mr. Russell, who sent up the affidavits, had been pressed to collect the evidence on the conduct of the Magistrates, while the gentlemen sent down by Government were at Birmingham, and let informations be regularly taken, but he had declined the business, as imprudent at that moment. His reasons were, that while those very Magistrates were assisting in taking informations against the rioters, to take informations against them, before other Magistrates, might throw discredit on their proceedings, as it would give rise to a belief that the actual rioters were the ignorant instruments, and entitled to lenity, while the Magistrates were the authors of the mischiefs, and the only fit objects of punishment. He had himself also thought it dangerous to bring forward charges against men much esteemed in the county, while the claims of the sufferers for indemnification were depending, because it might have excited such a degree of prejudice and party spirit as would have prevented an impartial trial; and therefore, for the sake of the sufferers themselves, he had thought it most prudent to postpone any inquiry. The affidavits might be ground for an inquiry to begin *de novo*, and to be conducted with all the pre-

caution which he thought indispensable, but they were no ground for a specific prosecution. They were contradictory in themselves ; for instance, there were passages in them tending to shew that the Magistrates had actually encouraged the burning of houses, while others only proved, that, being but two against thousands, they had endeavoured to conciliate, instead of intimidating, and to lessen the mischief which they could not entirely prevent. Nothing was more dangerous than to trust to contradictory evidence of expressions, uttered in a moment of alarm, ill understood, and imperfectly recollected.— So loosely were the affidavits taken, that when he read them, he could not discover what specific crime they were meant to point at ; for some of them tended to shew that the Magistrates were principals in felony, others to charge them only with a misdemeanor, by neglect of duty. But after all, if the Dissenters wished to make use of the affidavits, they were still at full liberty to do so ; they might take upon themselves the prosecution of the Magistrates, though Government should decline it, whenever they thought fit.

He felt no anxiety about the motion now made, and only wished to shew that all had been done by him, to the best of his judgment, that could be done. He was not of a disposition to ask any man who applied to him for justice,—“ In what manner “ do you say your prayers ?”—and he hoped the honourable gentleman would read and compare the several parts of the affidavits with as much attention as he had done, before he founded any motion of censure upon them.

Mr. CURWEN said, he had come down to the House, determined, in his own mind, to vote against the motion, but that, by the statement and arguments he had heard, and the perusal of some of the affidavits themselves, since the debate began, he had been induced to change his sentiments ; and he not only thought a public inquiry into the conduct of the Magistrates highly necessary, but was surprised the Ministers should oppose it. In one of the affidavits there was the following passage, expressly charging one of the Magistrates with having encouraged and directed the proceedings of the rioters.

One person swears, that “ soon after nine o'clock on the 14th of July, he came into Bull Street, at that end next

“Steel-house lane, and there he found a number of people called together, and shouting; and the general cry was, “Down with the Presbyterians.” He then advanced a little farther, “and saw the Reverend Dr. Spencer, and J. Carles, Esq., and came within a few yards of them; they were then standing with their backs to the gates of the front of Dr. Parrott’s house, and upon the cry from the mob—“Down with the Presbyterians,” this deponent (says the affidavit) distinctly saw the said Dr. Spencer and J. Carles both take off their hats, and wave them round, and say, “Aye, my lads, down with the Presbyterians.” This deponent saith, the said J. Carles then addressed himself to the mob, and said, “We suppose you are Churchmen, and as such we expect that you will remember your King and Church: you may see what *they* are at, (meaning, as this deponent understood and believes, the Presbyterians) therefore down with the Presbyterians.” This deponent saith, the said Dr. Spencer and J. Carles then took off their hats, and shouted, “Huzza!” and the mob joined them.”

Mr. W. SMITH said, that from his personal knowledge of the circumstances, he was prepared to have redeemed the pledge he had given on a former day, by proving, in opposition to the then assertion of an honourable Baronet, (Sir Robert Lawley) that the riots at Birmingham were of a religious, and not of a political, nature; but as that gentleman had not thought fit to maintain the extent of his proposition, he would not trespass on the patience of the House, by going again over beaten ground. He must, however, observe on the state in which the honourable Baronet meant now to leave the question, that the distinction made by an honourable gentleman (Mr. Windham) between the *cause* and the *occasion* of any event, was perfectly just, clear, and applicable; for in this case, they were entirely, if not designedly, confounded. The meeting on the 14th of July last might have been the *occasion* of the riot, but the *cause* was a malignant and persecuting spirit, raised against the Dissenters, chiefly since their last application for the repeal of the Test laws, and which was only waiting for some occasion to break

out into violence: as for the charge which had been made on them, of having excited this furious ill temper by their own writings, its origin was far more easily discoverable in those of their opponents. In proof of this assertion, he would take the liberty of making a few short quotations from two invectives called sermons, preached at St. Philip's in Birmingham.

In that of Dr. Croft, on the 3d of January 1790, were the following passages: "It is the firm belief of our Clergy, " that while their meeting houses are open they are weakening and almost demolishing the whole fabric of Christianity."—"The right of voting at elections, and of sitting in Parliament, cannot, unfortunately (as we think) be taken from the Dissenters;"—but "it would be desirable to exclude from the British Senate all those who are led away by their plausible arguments."—"The future destination of Sectaries is left to the searcher of hearts; and it is the duty of the civil Magistrate to disable them, if he can, from being mischievous in this world."—"The fabric of our constitution was built on a solid foundation: the Dissenters wish to destroy it." Mr. Madan, on the 14th of February, animated with the same soul, and determined to equal the courage and candour of his predecessor, asserted, from the same pulpit, that—"The Presbyterian principles are unquestionably republican."—"The Socinian doctrine is evidently gaining ground *in this place*, and certainly those doctrines are no less dangerous to the State, than any of the tenets of popery."—"Their, (the Dissenters) possession of Offices, has been proved incompatible with the welfare of the established Church, and the safety of the civil Government. The amount of their reverence for the Government has been exactly ascertained by a woeful experience of republican tyranny; and the extent of their loyalty has been exactly delineated with the blood of a King." He would not, Mr. Smith said, insult the understanding or liberality of the House, by entering into a refutation of such absurd calumnies, or waste time in exposing ignorance so excessive, and bigotry so contemptible. He should not have thought even the indignancy of spirit worthy

of notice, had it not been for the obvious tendency of such inflammatory accusations to produce those abominable mischiefs which had since been perpetrated ; and it certainly was not very wonderful that the inveteracy which could go such lengths to render the objects of its own hatred odious to the vulgar, should be prepared to connive at those excesses which it had contributed to occasion. As for the incendiary hand bill which had been supposed more immediately to have raised the passions of the populace, as it certainly was the work of an anonymous unacknowledged individual, and had been equally reprobated by both parties, it appeared to him of no importance to either side of the question, to ascertain the author. He thought it but right, however, to say that the most intimate and bosom friends of the person on whom it had been attempted to fix it, were entirely ignorant of the matter ; a presumptive argument against the truth of the imputation, or a proof that the measure, even in his own opinion, was unlikely to meet with their concurrence.

With respect to the motion proposed, Mr. Smith said, he was convinced it was well grounded, and highly proper.—The affidavits he knew to contain strong evidence of egregious misconduct in some of the Magistrates, nor could he approve the manner in which it had been attempted to invalidate that testimony.

An honourable gentleman (Mr. Jenkinson) was totally unfounded in asserting that the depositions had been made before a dissenting Justice of the Peace, in whom some partiality might be supposed. The gentleman alluded to, indeed, (Mr. Russell) whose conduct had been extremely laudable, had exerted himself in discovering and apprehending many of the criminals, and in bringing forward evidence against them ; but most of the deponents had been examined by a very respectable Barrister, who had gone down to Birmingham with Mr. Smith himself, chiefly for that very purpose. The affidavits were all sworn before a Commissioner of the Court of King's Bench ;—and he must take leave to declare, from his own recollection, that this mode of proceeding, which had now been excepted against by the Attorney General, as suspicious, had been approved of at the time by the Treasury

Solicitor, on account of the difficulty which was then experienced in persuading persons to come forward as witnesses at all, and especially against gentlemen in such situations. He was sure, that if every Member of the House had had the opportunity of reading those affidavits, there would have been but one opinion respecting the existence of the evil complained of, viz. a neglect or misconduct so gross as to justify strong suspicions of connivance, and to demand an inquiry into the behaviour of the persons accused. Allowing that some of the expressions which had fallen from the Magistrates had been wrested by mistake, misapprehension, or prejudice, to a criminal meaning not intended, and setting these totally aside, sufficient proof would yet remain, that the general tenor of their language and conduct, was such as to impress the minds of the people with a full persuasion, that what they were doing was not disagreeable to these conservators of the public safety, and that they incurred no risk of punishment. "To the New Meeting, Justice Carles will protect us"—"Justice Carles sent us down here"—"Damn me! the Justices say we may pull down the meetings, but not hurt any body's property," "the Justices will protect us."—These, and expressions similar to these, were perpetually in the mouths of the rioters, and repeated in the hearing of these very Justices. It had been attempted, in some measure, to defend them, on the just observation of the honourable mover; that "when once the appetite of a mob for plunder was excited, it was almost impossible to gorge it;" but surely, on this account, they could only be deemed more culpable for not having used the proper, or indeed, *any means* to crush the first appearances of commotion.

The Dissenters had also been charged, Mr. Smith said, with an unjustifiable delay in this affair, which they might at any time have brought forward; but their conduct he thought perfectly defensible, and easy to be accounted for; and certainly, it did not well become the learned gentleman to attack them on that ground, when he had stated the many good reasons which had induced him to act in the same manner.—With the Dissenters those motives might be allowed to have at least equal weight. If not in maintaining the honour of

the public justice of the country, they might be supposed as deeply interested as the learned gentleman himself, in the issue of the trials depending for the damages they had suffered; and when some verdicts had been given of such a nature as to occasion the suspicions and the well-known remarks of an honourable and learned and most respectable gentleman, who had been employed for the prosecution, it surely gave great colour to their apprehensions, that so many obstacles already existed to the course of Justice, as to render it imprudent to run the risk of increasing them by any imitation not absolutely necessary. Mr. Smith was proceeding to remark on the conduct of one of the juries, when, being called to order by Mr. Cawthorne, he said, that not having received an intimation of his being disorderly from the Chair, the honourable gentleman would excuse him, if he declined any deference to his opinion on the subject; but that, without debating that question, he would state another fact to this point, equally notorious, impressive, and extraordinary—that the person who had himself published and signed one of the most malicious and contemptible hand bills circulated on this occasion, and respecting the impropriety of whose behaviour some of the depositions had been made, was the very man by whom these juries were summoned, who were to decide on the guilt of the rioters and the compensation to the sufferers. As to the future peace of that place, or indeed of the kingdom in general, whether it was more likely to be secured by promoting or by refusing an inquiry into the neglect of duty in public officers, and in a case so important as the present, and to which also such universal attention had been excited, he would leave to the judgement of the House, and the country: for his own part, he feared that even the delay, however unavoidable, had had a pernicious influence; having heard, since he came into the House, that another riot had just happened, in which these very Magistrates had shewn great unwillingness to exert themselves, though applied to with the utmost urgency; an effect, in his opinion, naturally to be expected from former impunity, but which might be attended with ruinous consequences. On the whole, he thought the success of the motion before the House essential to the attainment of justice;

and the vindication of the public character, and it therefore would receive his most cordial support.

Mr. Secretary DUNDAS said, the ground of that report was no more than a soldier's getting into a quarrel at a disorderly house.

Sir ROBERT LAWLEY said, he had just learned, from a very respectable gentleman, whom he would name, if the House desired it, that the Magistrates had, in his presence, entreated the mob to disperse, and to do no mischief; and the House ought not to permit it to be supposed that the jury, on their oaths, had not acted honestly, and to the best of their judgement.

Mr. CAWTHORNE said, it was not to be supposed but that the Sheriff of the county had summoned the juries fairly. Dr. Priestley had lived eighteen years unmolested at Birmingham, till, in consequence of his admiration of the glorious French revolution, the philosopher was converted into a politician, and spread sedition through the country.

The SOLICITOR GENERAL bore testimony to the good conduct of Government respecting the riots, and stated, that he had seen the affidavits; for that though they could not come before him officially, as it was the duty of the Attorney General, and not of the Solicitor, to advise the Crown upon such occasions, the Attorney General had requested his sentiments upon the subject. That he did not wish to shrink from any responsibility in what he had said, and had no scruple to avow that he entirely coincided with the Attorney General in opinion, that upon those affidavits, so taken, he did not think it prudent to institute a prosecution against the Magistrates.

Mr. D. P. COKE earnestly wished the motion to be withdrawn, as he thought it might do much harm. The Dissenters either did not wish that the Magistrates should be prosecuted, or thought that there was no ground for it. This he inferred from his own knowledge that the affidavits had been taken under the inspection of a gentleman at the bar, who was sent down on purpose; and knowing his acknowledged honour, ability, and judgement, he was satisfied that he would have advised a prosecution, if he had thought that

one could have been supported by the evidence which had been collected. He stated the conduct he had pursued in the prosecution of the rioters, and his full confidence, from what had fallen under his own observation, that Government had done all that it was in their power to bring them to punishment.

Mr. SMITH said, it was not to be inferred that the Dissenters thought there was no ground for prosecuting the Magistrates, because they themselves had not as yet done it.— They had put the evidence they had collected into the hands of Government, and had waited till Government should decide upon it.

Mr. GREY said, I have as yet heard no reason which should induce my honourable friend to withdraw his motion ; so far from it, that it is to me matter of astonishment that so little plausibility has been given by the gentlemen on the other side of the House to the arguments which they have adduced in opposition to his motion. Facts have been stated to the House of a grave and most momentous nature, authenticated by numerous affidavits of credible and respectable witnesses. In the center of the kingdom, in a time of profound tranquillity, under a Government boasting its superior liberality, a riot has suddenly broke out, attended with circumstances singularly atrocious and alarming. On the 14th of July last,* a company of gentlemen, professing themselves friends to liberty, met at a hotel in the town of Birmingham, to commemorate the anniversary of the French revolution.— After passing some hours in a social and festive manner, they separated, without tumult or disturbance. In the evening of this day, the popular commotions, afterwards attended with effects so dreadful, commenced, by breaking the windows of the hotel. The Magistrates being called in early, took no pains or precautions to quell the riot so begun, either by reading the riot act, or by the exertion of constables; or by requiring the aid of the military stationed in the town. On the contrary, they are charged with inciting and encouraging the rioters, and directing, with malicious purpose, their rage to the Dissenters, who constituted a large proportion of the company just before departed from the hotel. It is undeni-

able, that by some means or other the passions of the populace were inflamed to the highest pitch; that the cry of "Church and King" became general amongst them, and that their fury was directed solely against those who had distinguished themselves by the avowal, not of their political, but religious opinions. It soon became apparent, that it was not a political but a religious mob, actuated by the most horrid and sanguinary spirit of bigotry and persecution. While Mr. Keir, the Chairman of the meeting, and a member of the established church, remained unmolested, the house of Dr. Priestley, who was not present at the meeting, was surrounded by the mob, set on fire, and totally demolished; and scarcely did he himself escape with life. Many other houses, belonging to persons known to entertain the same religious sentiments with Dr. Priestley, were set on fire, and destroyed, amidst the acclamations of "Church and King for ever! Down with the Presbyterians!" and the French revolution appeared plainly to have been not the real cause, but merely the occasion or pretext of these horrid devastations. We are now called upon, by the motion of my honourable friend, to investigate the conduct of the Magistrates in this business; and if it can be clearly proved that there is no foundation for the numerous and serious charges against them, their honourable acquittal will give no less pleasure to the advocates than to the opposers of the motion now before the House. The right honourable gentleman, who rose in vindication of his own conduct, and the measures of the executive Government on this occasion, has, it must be owned, been very successful in his elaborate defence of those measures against which no accusation has been brought, which are even allowed to have been highly laudable and meritorious; but then he has totally failed in his vindication of what alone is considered as culpable. The conduct of the Magistrates, and the subsequent connivance and tacit approval of Government, so far as it respects that conduct, from the inquiry which the right honourable gentleman, the other night, so haughtily demanded, he has now as meanly shrunk. He has evaded, or passed over in discreet silence, charges actually made; he has courageously repelled those which were never

brought. The learned gentleman, whose professional duty it was to have instituted such a legal inquiry into this dark business as would have superseded the necessity of the parliamentary inquiry now moved for, has indeed stated several specific reasons for this neglect; but they are such as, I am persuaded, can never be deemed satisfactory by the House, or by the impartial Public. The learned gentleman tells us, that the law is open to the Dissenters, and that they are at liberty, if they apprehend the Magistrates to have been deficient in the discharge of their duty, to commence prosecutions against them. Sir, this is not the concern of the Dissenters only; it is a matter of public and national import. The honour of Government, and the safety of the community, are equally involved in it. The question is, whether all classes of faithful and peaceable subjects are entitled to the equal protection of the law? After the numerous and cruel sufferings of the Dissenters at Birmingham, shall we throw upon them the ungrateful and invidious task of singling out delinquents for the purpose of public prosecution and censure?—Would this be generous? Would it be equitable or just?—Sir, it does not yet appear what the Dissenters of Birmingham may be compelled to resolve upon as to this point; but the Solicitor to the Treasury, when attending the examinations at Birmingham, was expressly informed by Mr. Russell, that the Dissenters declined taking any part whatever in this matter, till it appeared what the conduct of the Ministers of the Crown would be respecting the affidavits. The learned gentleman farther tells us, “that had prosecutions been instituted against the Magistrates, while the actions for damages were pending, it might have proved very detrimental to the interest of the Dissenters themselves.” If there be any force in this plea, it shews, in a most striking manner, the general prevalence of that detestable spirit of party rage to which the class of citizens, who now claim the protection of the Legislature, stand exposed, and the necessity of extending to them that protection. These trials, however, are now terminated, and consequently this objection is completely obviated. Let Ministers now step forward, and do their duty; this pretext will serve them no longer. But

it is farther alledged, that the affidavits now lying on the table before us, afford not a proper and adequate ground of prosecution, because the evidence contained in them is merely *ex parte* evidence. Sir, is it possible that the learned gentleman can be serious in this objection? Who ever heard before that *ex parte* evidence was not a sufficient ground of legal investigation? Is not this House sitting in the capacity of the great inquest of the nation? and is not the evidence upon which all grand juries find their bills, *ex parte* evidence? We certainly ought not immediately to conclude the Magistrates guilty, because heavy charges are adduced against them, in a manner the most positive. But, on the other hand, to pretend that because the evidence is uniformly and consistently hostile to the Magistrates, there is no further occasion to inquire into the truth of it, is an argument which there can be little occasion to expose or to confute. It is strange, indeed, that such an objection should be made; that Government should require, in order to establish the validity of the charges contained in these affidavits, that which would have prevented them from being made at all! In a town, where the spirit of party raged with so much virulence, who would have dared to have brought evidence openly to criminate two popular Magistrates? With what personal danger would not this have been attended? And if appearing as a witness against one of the rioters, has exposed a person almost to every species of injury and insult, for which these upright Magistrates would give him no redress, as appears from the affidavits, what must have been the consequences of appearing against the Magistrates themselves? We have heard, however, from the learned gentleman, another argument, in my opinion still more extraordinary. It is, that the offences charged in the different affidavits, are of such a nature, that it is impossible to ascertain under what description of crimes they are comprehended—whether felony, or misdemeanor for negligence of duty. Sir, this argument supposes that the offences charged against the Magistrates are, at all events, of a very *heinous* nature; such as the law doubtless has provided against by suitable penalties; and whether they come under one or another legal description, it is not for this House, but for the Law Officers

of the Crown, to determine ; and if they are incompetent to form this necessary determination, they are incompetent to discharge the regular duties of their office. Lastly, we are told, that if gentlemen, acting voluntarily in the capacity of Magistrates, are prosecuted with severity for every incidental neglect of duty, it would deter them altogether from attempting to serve their country in that country. Sir, this is an argument to which I am disposed to give its due weight. For trivial and unintentional neglect of duty, great allowance certainly ought to be made, in favour of Magistrates, whose general conduct has been meritorious. But in cases of this magnitude, where not merely neglect, but positive encouragement and license to commit every species of outrage, is alledged, it cannot be urged, without dangerous absurdity, If the laws made by the representatives of the nation at large are to be executed at the pleasure, the caprice, or the prejudice of individuals, where is that security of person or of property, which is the boast and glory of the British constitution ? Those who assume an office voluntarily, are not therefore exempt from all responsibility. With regard to those officers of higher rank, who are more immediately in the appointment of the Crown, and connected with the administration of Government, are not even slight charges made not only ground of inquiry, but even of removal also ? and yet, the argument now absurdly used is, that because Justices of the Peace voluntarily undertook to perform the duties of their respective offices, they are to be considered as sacred, and out of the reach of law ; they are to be exempt from all control, and screened from all inquiry.* What is this, but to sanction tyranny, and establish oppression ? Surely, if they take upon them offices, whose avowed end and object it is to administer justice to the people, and so pervert and abuse the powers vested in them, as to become the instruments and agents of oppression, they are guilty of the most base and aggravated violation of their trust, which demands a signal and condign punishment. It has been said, that the thanks of the inhabitants of Birmingham have been voted to the Magistrates, in token of the most unanimous approbation of their conduct † Sir, I am sorry to say, that such is the virulence*

and malignity of the party spirit now prevalent in that town and neighbourhood, that very little stress is to be placed upon a testimony so suspicious and equivocal. Sir, a vote of thanks cannot invalidate facts. If it appears, from positive evidence, that the Magistrates did not use their power and influence to discourage and repress, but, on the contrary, that they endeavoured, by every means, to inflame and heighten the rage of the populace, and they are afterwards thanked for their conduct, in what an alarming situation does this prove the victims of such bigotry and malignity to be placed ! The renewed testimonial, therefore, of the innocence of the Magistrates, produced by the honourable Baronet (Sir Robert Lawley) this evening, is nothing to the purpose. And as a proof of that party spirit, to which I have just alluded, it has been reported, on such strong presumption as fell little short of proof, that a letter had been written, intended to be sent, in the name of the Clergy of Birmingham, before the Assizes, to the Judges who were to go the last summer circuit, praying them to let the law take its course on such only of the rioters, whose object was plunder, but to deal mercifully with the rest, who acted from a pure, though, perhaps, mistaken regard to their Church and King. If the authority and energy of Government are not to be exerted to protect the innocent and defenceless against the lawless and the profligate, new and worse scenes may be expected to succeed ; a spirit of insatiate vengeance may be excited, which will not rest satisfied without the final and total extirpation of those against whom the demons of persecution and fanaticism shall instigate their mad and blood-thirsty votaries. I do not accuse Government of intentionally promoting this ferocious and sanguinary spirit ; but I warn them to check, and, if possible, to extinguish it in its first beginnings. Any appearance of remissness in the Government at this crisis, and much more, any idea of countenance and secret approval, may be attended with the most fatal consequences ; and to suffer any prejudice or partiality to influence the public conduct on an occasion in which the dearest interests of their country may be involved, would be found not less unwise than it would be unjust. Out of two thousand rioters, twenty only have been

apprehended ; out of twenty apprehended, thirteen only have been tried ; out of thirteen tried, five have been condemned ; out of five condemned, three only have been executed. But these were only wretched instruments in the hands of others ; and it is lamentable, that even so many should have suffered, if those who instigated them to mischief are to be permitted to escape. If the affidavits are true, the Magistrates themselves were the inciters of the riots ; the persons whose duty it was to have checked, were the authors of the mischief. Where is the security which we boast is given to the meanest subject of this country, when the authors of such horrid scenes of tumult and depredation are not only suffered to escape with impunity, but their conduct screened from inquiry, and they even rewarded by the thanks of the town, which had been so disgraced, as for the meritorious discharge of their duty ? What a precedent for future Magistrates ! What a temptation to these to act the same part again ! What a cruel insult upon peace, honour, and justice, still to leave unoffending and suffering citizens to the mercy of those who, while employed to protect, are suspected to have injured them so basely !

But the affidavits are suspicious, it is said, because they were taken before a Dissenting Justice of the Peace. To this I can safely reply, they were not taken before a Dissenting Justice, but an Attorney, who is a Commissioner of the Court of King's Bench for taking affidavits. But if, after all, these affidavits are of doubtful credit, the desired inquiry is the best way to confirm or dissipate these suspicions ; and if they turned out to be false, those who had sworn to them might be indicted for perjury. [The Attorney General cried out across the House, "No, no, they cannot."] Mr. Grey continued, it is perfectly immaterial whether they could or not ; but if the Dissenters should file them in the King's Bench, and move for an information against the Magistrates upon them, I understand, that any of the deponents who have sworn falsely might be indicted. The right honourable gentleman had said, that Justices could not have inactivity imputed to them, having taken every possible measure to stop the progress of a riot on the next day, which had only broken out the preceding evening, and having sent for troops on the Friday morning. The fact, however, was, that it broke out not so late on the Thursday night,

but that a proper degree of activity in the Magistrates, who had dined in Birmingham on that day, might have quelled it before morning. And that *they* sent for the troops on Friday, is a mistake; for the first requisition for them was made by a noble Lord, in consequence of a letter sent by a private gentleman, and not by the Magistrates officially. It had been very justly observed by the right honourable Secretary, that there was no distinction of mobs; that from whatever motives they acted, whether religious or political, they were equally indefensible. That the mob at Birmingham was of the former denomination, is evident, from the passage which had been cited by his honourable friend, from a late publication of Dr. Parr; and though riots were equally culpable, from whatever cause they originated, yet where religion was the cause, how dreadfully insecure was the situation of those whose opinions invited them? With all its boasted pretensions to liberality, and regard to toleration, where a Government made any distinction, and did not hold out the same protection to persons of one religious persuasion that it did to others—where it did not give every possible security to persons thus exposed, it was a *persecuting* Government. It has been said by the right honourable Secretary, that the Dissenters provoked and incited this riot, by the intemperance of their discourses and their writings. Sir, I do not stand here as the professed advocate of all that has been said and written by the Dissenters on the subjects of politics, or of religion; but this I will venture to say, that much has been well written by them on these interesting topics—much that has well deserved the attention of this Assembly, of the nation, of the world. The Dissenters have been accused, and repeatedly held up by their enemies, as the enemies of the constitution. But even in the publications of him who has incurred the greatest share of obloquy and abuse, as the most celebrated of their writers, and whose name reflects the highest honour on this country, as the first of its philosophers, even in the writings of Dr. Priestly, I will venture to affirm, from my own knowledge, and from the information of those who are more intimately acquainted with them than I can pretend to be, though certainly not more than, for my own information and improvement, I could wish, that nothing can be pointed out, in them inimical to Monarchy, or to the constitution of this

country, as vested in the three estates of King, Lords, and Commons. But whilst we exclaim against the rash and intemperate language of some amongst the Dissenters, let us impartially and seriously ask ourselves, if no just cause has been given them of discontent, or of resentment?

It is well known, that the Dissenters have ever distinguished themselves as the zealous advocates of the glorious revolution; that they have been always numbered amongst the most firm and steady adherents of the protestant succession, and of the illustrious House of Hanover, when that succession was supposed, with reason, to be in danger, and at a period when the reigning Family did not depend upon the Church as its firmest bulwark and support. Conscious of their fidelity and attachment to the Government under which they lived, an attachment which the circumstances of the times afforded them frequent and decisive occasions to demonstrate. Exercising, under the express sanction of the state, their inherent right of private judgement in religion, they at length applied to the Legislature to be restored to the common rights and privileges of citizens, of which they had been so long and unjustly divested. When this claim was refused, with every circumstance of indignity and insult—when they were branded as the implacable enemies of the State—when they were reproached, notwithstanding their uniformly peaceable demeanor, as seditious and factious hypocrites—when the obsolete Tory clamor was revived, that *the Church was in danger*—when they were told, that the extent “of their loyalty might be measured by the blood of a King,” Can we wonder that they should discover the feelings and passions of men? That in the angry collisions of controversy, the voice of reason and moderation should be overborne and lost?

Are we really solicitous to establish universal and permanent tranquillity and satisfaction? The experience of all ages shews, that the only effectual mode is, to abolish all traces of legal oppression. While the spirit of intolerance predominates in the Counsels of any country, there will necessarily be discontent, resentment and anger. And it is in vain to expect to obviate the evil consequences of such a system, by adding contumely to oppression, or by attempting to defend injustice by falsehood. Wherever political dissensions and partialities are admitted, without real necessity, these political ani-

mosities will be excited. Such is the nature of man ; and of this we may rest assured, that equity is the only permanent basis of policy ; and till we determine to regulate our conduct by this principle, discord and hatred, in a certain degree, must and will prevail. And the disorders and commotions which we now lament, are the genuine offspring of that mistaken plan of policy, to which we are still, unhappily for our own peace and safety, determined to adhere. In fine, if this House should think proper to reject the present motion, calculated as it is to inculcate and impress the idea of equal protection and favour to all, it will stamp the proceedings of this day with indelible disgrace, and add one more to the numerous instances in which the House has of late sacrificed the interests of its constituents to the novel doctrine of *confidence*, and injuriously waved the exercise of one of its most valuable and important privileges—the privilege of inquiry.

The question was put, and the House divided on Mr. Whitbread's motion ;

Ayes, 46 ; Noes, 189.

The House adjourned.

Tuesday, 22d May.

The following papers were, upon motion of Lord Mornington, ordered to be laid before the House, viz.

“ Copy of a Letter from the Nabob of Arcot to Lord Cornwallis, dated the 5th of February, and his Lordship's Reply, dated 26th February, 1787, relative to Tanjore ;” also,

“ Copy of a separate Letter from the Court of Directors, in their political department, to the Governor and Council of Madras, dated the 19th of May, 1790 ;” and also,

“ Paragraphs 78. to 88, 90 to 95, and 100 and 101, of the Letter from the Governor and Council of Madras, in their political department, to the Court of Directors, dated the 16th of January, 1792.”

Mr. RYDER having moved, “ That the House do resolve itself into a Committee on the Sugar bill,” requested to call the attention of the House to a proposition relative to the method of proceeding, which, for the sake of saving the time of the House, and on a principle of convenience, he meant to sub-

mit to them. Mr. Ryder stated, that his object was to go into the Committee, in order to propose certain amendments which had been suggested by the parties, since the subject was last under discussion, and immediately to report the same to the House, and then upon the report of the bill so amended, gentlemen would have the whole subject before them, and could state their sentiments with better effect.

This being understood to be agreed to, the Speaker left the chair, and Mr. Hobart took his seat at the table.

Mr. Ryder then proposed his amendments, which being read,

Mr. HUSSEY rose, and declared himself an enemy to the bill altogether. It was deceiving the Public with false appearances, he said, and seemed as if Government would do something to relieve the subject, when, in fact, the bill would do nothing at all. He said that the people of this country had been taxed above two millions six hundred thousand pounds and upwards within the last year, merely by the high and extravagantly increased price of sugar. When he considered the extreme importance of the subject, he declared, he was ashamed to see it so little noticed. Had the right honourable gentleman proposed an additional land tax of one shilling in the pound, would not the business have been better attended to? An additional two shillings in the pound upon the land tax, he declared, would not make good half the sum that the Public had paid by the increased price of sugar, as the whole amounted to considerably more than four shillings in the pound upon the whole of the land tax. It was unaccountable how this could have happened. People might ascribe it to different causes; perhaps to a combination among the planters; he, however, entertained great respect for those gentlemen, and did not believe any thing unhandsome or improper had been done by them. He had a memorial from the West-India planters, who stated, that there seemed to be two points to which the extravagant rise of sugars might be ascribed, and they talked of a surplus of the crops sent to foreign markets; but he denied that there could be any such surplus. He ascribed the increased price to the increased consumption, and the quantity taken out of the market at home, and exported for the sake of the drawback. Let the first thing, therefore, be, to stop their bounties and draw-

backs, and if there was any surplus, the foreigners would then buy our sugars at the same price that we paid for them ourselves. After declaring, that he wished to hear some explanation on the subject, from those better informed than himself, as there might be some fallacy in what he conceived to be the state of the case, and he was not fond of relying on his own understanding. Mr. Hussey now moved, "That the Speaker do leave the chair," giving notice, at the same time, of his intention to follow up that motion, if it were carried, with another, to put an end to the bounties and drawbacks.

Mr. Chancellor PITT said, he was not then going into the subject, but wished to know what was most agreeable to the Committee, and the most convenient way of proceeding? It had been understood, that they were to go into the Committee, for the sake of receiving the amendments, and to take the debate on the report. He did not think it was desirable to take it in that stage of the bill; but whether they chose to discuss the principle of the bill, or get rid of it entirely, and to adopt some other system, he was ready to do it, just when gentlemen chose it; he thought, however, that it would be more desirable to go through the Committee, and to take the debate on the report, as it was understood was consented to.

Mr. HUSSEY said, he really thought it would be less trouble, and would save the time of the House, to make the motion he had made immediately, and to save the trouble of bringing up the report.

Mr. FOX rose, to speak merely to the form of proceeding. There were two ways, he said, of considering the subject; that proposed by his honourable friend behind him, and that before suggested by the right honourable gentleman opposite to him. "The principle of the bill appeared to him to be so false, that he did not believe he could be brought to consent to it at any rate; but perhaps, as it had been so understood, it would be as well to suffer the report to be brought up, for the sake of receiving and considering of the amendments."

Mr. HUSSEY said, he should be glad to hear why the present bill was preferred to the putting an end to the bounties and drawbacks, and he owned he had expected some gentlemen in power would have stated what interest there was in adhering to the bill.

Mr. Chancellor PITT said, he was at all times ready to pay every possibly attention to whatever fell from the honourable gentleman, and indeed from every other honourable gentleman, on any subject so important and so materially interesting to the Public; but he wished to wait till the bill came to the other stage; and then the honourable gentleman might be assured he would hear reasons stated why the bill, under all the circumstances of the case, was thought the most adviseable measure that could be adopted.

The Chairman was then directed to leave the chair, and make the report; which he did as soon as the House was resumed.

As soon as the question was put, That this report be now considered,

Mr. HUSSEY moved to leave out the word "now," and insert the words "this day three months."

Mr. Chancellor PITT then rose to state the nature of the bill, which he began, by declaring it to be one that could be attended with no inconvenience, and might answer the purpose that was in view. He need not, he observed, go into the particular clauses, but he might say of the bill in general, that it left a considerable latitude to the operation that might possibly arise from various causes, and therefore he approved of it. He spoke of the nature of our trade with the West Indies; it was a monopoly which had subsisted for a series of years, not by compact, for it could not be so considered, but from established custom. What was the situation of the West-India islands? They were subject to the effects which our monopoly imposed on them, and which, like all other monopolies, was subject to fluctuating circumstances, at times unavoidably productive of great temporary inconvenience. He stated that they had a monopoly of our market for their sugars, in return for our monopoly of the consumption of the islands of our manufactures and other commodities. With regard to the prices prescribed in the bill which were to govern the exports, the drawbacks and the bounties, he owned, he thought them rather higher than was necessary, but nevertheless, he said, he deemed it policy to allow some latitude to advantageous prices. In respect to the proposition suggested by the honourable gentleman, that naturally had, in the first instance, suggested itself

to his mind, but when he came to examine into the nature of the case, he found, that such a proposition could not have been adopted without the most palpable injustice to two descriptions of men, whose interests were materially concerned, and who were fairly entitled to expect, that their interest would be taken care of by the Legislature. The parties to whom he alluded, were, he said, the West-India merchants and planters, on the one hand, and the refiners and manufacturers of sugar, on the other. He explained to the House the nature of their respective claims, and asked, what would be the effect of suddenly, and without notice, depriving them of the profits of the drawbacks? Mischief and ruin to those who were not prepared for such an event, must necessarily have been the result; a result which, he was persuaded, the House would shudder at the idea of occasioning. How far the bill might prove effectual, he could not undertake to answer; he meant it merely as a temporary bill, and by way of experiment. He reasoned at some length on the sum stated in the bill, and reminded the House, that if they proposed any particular sum, they were not to consider it as fixing the price of sugars, but merely as prescribing the limits beyond which the price should not go.

Mr. FOX rose next and said, he did not wish to conceal that he thought the bill highly objectionable; at the same time he had no difficulty in saying, that he had very great diffidence in his own opinion on the present subject, which he could not be supposed to understand as well as the right honourable gentleman, who from his situation must have had so many opportunities of considering it. As to the West-India monopoly, and all that the right honourable gentleman had said on that point, he concurred pretty nearly in opinion with the right honourable gentleman. The monopoly certainly was not a compact, nor could it in any point of view be so argued, but it was a custom that had so long existed, that it became a very delicate consideration, and to touch it rudely, or with rash hands, might not only be imprudent, but highly unjust. He did not however understand that it was a monopoly of so strict and absolute a nature as some might suppose. The West-India islands had a right to export their sugars to any part of Europe, south of Cape Finisterre, and to the northward of the Cape, having previously taken out a licence for that purpose; the monopoly,

therefore, strictly speaking, was not, in its proper sense, an absolute monopoly. With regard to the other parts of the subject, he owned, that he had not made himself master of them, and could only speak as he had been informed by those, with whom he had conversed respecting them. On their authority, therefore he could say, that in all cases the refiners and manufacturers did not consider the drawbacks quite so favourable as might be imagined; in fact there was nothing that they desired so much, as an extinction of the drawbacks altogether. When he first heard this, he felt as he supposed every man not familiar with the subject must feel, viz, a good deal astonished. One would have supposed, that the drawback would be, what the manufacturers most desired, but they said no; and the reason that the drawbacks were nothing to them, they declared, was, because they were calculated to the utmost nicety, and the price of the raw material regulated accordingly. He went into a variety of reasoning, to prove that the price of sugar, as regulated by the bill, should be proportionate to the drawback, and that they should operate mutually on each other. The bill, he said, clearly did not go to diminish the price of sugars; and he objected to it, because if the House had no right to alter the price of sugars, it had no right to offer a delusive appearance of doing so, to the Public. Two million six hundred thousand pounds, he observed, had been paid on account of the increased price of sugars in the year 1791, more than in any one year before the American war, or more than in any one year, on an average of seven years, preceding 1791. He commented on this extraordinary and alarming fact, and said, that he did not see why people were to be taxed so extravagantly, that however sugar might formerly have been deemed a superfluity or luxury, the habits of life had rendered it a necessary. He declared, that if it were true, as had been asserted, that sugar refiners could not stop, but must continue, refining, or be very considerable losers, it appeared that he who bought sugar to refine, was under a more urgent necessity to buy, than the merchant was to sell. Upon the whole case, though it was easier for him to object than to state any precise remedy at present, yet on the whole he should, without fear of being guilty of injustice to any one, wish to vote with his honourable friend for putting off the bill, and as he thought it better than to suffer

an uncertain and inefficient bill to pass, he should vote accordingly.

Mr. Alderman WATSON stated strong objections to the bill; but as sugar was an article essential to the lower orders of the people, the Alderman said, he would not oppose the bill, imperfect as he thought it.

Sir JAMES SANDERSON said, he came into the House prepared to vote against the bill; but what had fallen from the right honourable gentleman had great weight with him, and had much shaken his opinion.

Mr. ADAM laid down a few plain general principles to enable the House to form a decision. As a permanent cause of the high price of sugar, he stated the reduction of the prices of tea. Mr. Adam said, he would vote for the bill.

Mr. PULTENEY said, gentlemen seemed to think they had nothing more to do than to say, "any article whatever" should be cheap, and it would be cheap; whereas the only way to make an article cheap, was to increase the quantity brought to market. Mr. Pulteney illustrated this by instancing what had been the case in respect to broad cloth. With regard to the increased sum paid for sugar last year, the more there was spent in tea and sugar, the less was spent in malt and beer. Mr. Pulteney approved the bill as a fair experiment.

Mr. FOX explained, that the quantity of sugar consumed in 1791 had not exceeded the quantity consumed in any former year; the enormous difference of the sum paid by the Public, having been solely occasioned by the extravagant increase of price.

Mr. BAILEY stated that the planters merited the peculiar protection of the Legislature; that they had hitherto received it, and he hoped their interests would at present at least be considered, as well entitled to the care of the House, as those of the sugar refiners.

Mr. S. THORNTON said, that although the West-India planters merited the consideration of the House, the mass of the people at home were certainly first entitled to the care of the Legislature. We received from the West Indies one million five hundred thousand pounds for our manufactures exported there, and we paid the planters, &c. five millions for

their sugars. Mr. Thornton observed, that the cultivators of sugars in other places deserved legislative encouragement as well as the West-India planters.

Mr. RYDER wished to draw the attention of the House to a few points only. He then commented on Mr. Fox's arguments respecting drawback, and replied to the observations of other gentlemen.

Mr. W. SMITH confirmed what had been said respecting the sugar dealers, wishing that the drawbacks were extinguished. He objected to the report being received, and said there were two parties, the sugar refiners, and the consumers at large, who ought to be considered as before the House.

Mr. HUSSEY summarily observed upon the arguments that had been stated in the course of the debate, and adhered to his former opinion.

The House divided ;

Ayes, (for considering the report) 74 ; Noes, 29.

Sir JAMES SANDERSON next moved by way of amendment, to leave out the words " sixty shillings," and insert " fifty-five."

The House divided, " that the word sixty stand part of the clause."

Ayes, 63 ; Noes, 32.

When the clause was read enacting a month's notice in the Gazette, previous to shutting the ports against exportation, Mr. Fox contended that the notice was too short, and moved as an amendment to give two months notice.

The amendment was negatived by a division taking place on the original motion, in which the numbers were,

Ayes, 53 ; Noes, 16. Majority 37.

The House adjourned.

Wednesday, 23d May.

The order of the day for the third reading of the Westminster Police bill having been moved and read,

Mr. POWYS stated, that he meant to oppose a particular clause, as well as to object to the bill generally, and wished to know, when was the opportunity to do both the one and the other?

The SPEAKER said, the mode of proceeding was to read the bill a third time, and then gentlemen who meant to object to any particular clause might do so, and after their objections to the clauses were disposed of, when the question, "that this bill do pass," should be put, gentlemen might object to the principle of the bill, and to the bill in general.

As soon as the bill had been read a third time,

Mr. POWYS rose and said, he meant to oppose clause D, which runs in these words:

"And whereas divers ill-disposed and suspected persons, and
 "reputed thieves, frequent the avenues to places of public resort, and the streets, and highways, with intent to commit
 "felony on the persons and property of His Majesty's subjects
 "there being, and although their evil purposes are sufficiently
 "manifest, the power of His Majesty's Justices of the Peace
 "to demand of them sureties for their good behaviour hath
 "not been of sufficient effect to prevent them from carrying
 "their evil purposes into execution; be it enacted by the authority
 "aforesaid, that from and after the eleventh day of
 "June one thousand seven hundred and nine-two, it shall and
 "may be lawful for any constable, headborough, patrol, or
 "watchman, to apprehend every such person, and convey
 "him or them before any Justice of the Peace, and if it shall
 "appear before the said Justice, upon the oath of one or more
 "credible witness or witnesses, that such person or persons is
 "or are a person or persons of evil fame, and a reputed thief
 "or thieves, and such person or persons shall not be able to
 "give a satisfactory account of himself or themselves, and of
 "his or their way of living, every such person shall be deemed
 "a rogue and vagabond, within the intent and meaning of the
 "statute made in the seventeenth year of his late Majesty King
 "George the Second, intituled, 'An act to amend and make
 "more effectual the laws relating to rogues and vagabonds,
 "and other idle and disorderly persons, and to houses of
 "correction,' provided always, that if any person shall think
 "himself aggrieved by the judgement of such Justice aforesaid,
 "such person may appeal to the Justices of the Peace at the
 "next General or Quarter Sessions of the Peace to be held
 "for the country or place wherein the cause of complaint
 "shall have arisen, such person at the time of his conviction.

“ entering into a recognizance, with two sufficient sureties
 “ conditioned personally to appear at the said sessions, to try
 “ such appeal, and to abide the further judgement of the Jus-
 “ tices at such sessions assembled.

Mr. Powys said, he had not heard what arguments had be-
 fore been used in defence of this clause, but it had been intro-
 duced in a manner that called for animadversion, since it had
 originally been no part of the bill, and appeared to him to be
 such as ought to have been introduced on the authority of a
 special instruction. The bill purported to be “ for the more
 “ effectual administration of the Office of a Justice of Peace
 “ in such parts of the county of Middlesex as lie in and near
 “ the metropolis,” but was that the object of the clause in
 question? It certainly was not. The object of the clause was
 to find out new objects for justice, persons called reputed
 thieves. What was the definition of a reputed thief? He
 understood none else but persons detected in the perpetration
 of some crime, and convicted of the same. It struck him that
 the clause introduced a new principle, and put them into a new
 situation. He concluded with declaring, that the clause ap-
 peared to him to be so objectionable, that to the very best bill
 containing such a clause he declared he should give his nega-
 tive.

Mr. WINDHAM said, he had so lately troubled the House
 on the subject, that he would then trouble them very shortly,
 and indeed so much had been said on the subject, that he could
 do little more than repeat his former arguments. His great
 objection to the clause was, that it introduced a new principle,
 and reversed the usual order of things. If they were to punish
 men, not for acts which they committed, but for those which
 they intended to commit, it appeared to him as unnatural as if the
 hare were to chase the hounds. The clause was calculated to
 protect noblemen, gentlemen, and the rich only. The poor
 alone were to suffer by it. Should they countenance an attack
 directed against men who could not defend themselves? Ought
 they to agree, to let a man be apprehended and sent to prison,
 merely on the general fact, that such man was thought a thief,
 and that he was seen at the door of a public place? The clause
 too was to procure ease to their pleasures, and to guard the en-
 trance to opera and play houses. It was on that account objec-

tionable. Besides it referred to another act, and then omitted to name the punishment to be inflicted. The vagrant act was the statute alluded to, a statute sufficiently objectionable on account of the generality of its extent, and the inordinate severity of the punishments it inflicted. According to that act, the persons who should be apprehended under the present clause as reputed thieves, were liable to be whipped and sent to prison. It was true there was an appeal afterwards to the Quarter Sessions, and there the person apprehended might indeed be acquitted, but could the punishment he had suffered be done away? Could the whipping be taken off? If a pickpocket deserved severity of punishment, why did they not punish him with death? They all knew why. They knew that men's feelings would not bear such unmerciful and disproportionate punishment. They all knew that picking pockets was but a slight offence, and so the law considered it, and the reason was, that it was easy to guard against it; and the loss of a pocket handkerchief was no great loss. Another objection to the clause was, that the party apprehending the reputed thief, was to depose on oath that he was deemed a thief. A sort of oath which a man might take, and not know whether he committed perjury or not. This was a class of oaths they ought to be most averse to receiving, as it would be introductory of perjury, and tend to wear out the moral obligation of an oath. Nor did he see how sending a man to prison would make him better. It would prevent a man to be sure from picking pockets, to send him to the Marshalsea, and so it would to cut off his fingers, but no man would wish to do so. He objected to the whole of the bill, and greatly to its principle, but infinitely more to the clause in question, which was, in his opinion, much worse than the whole of all the bill put together.

Mr. BURTON said, he was not sorry that the clause had undergone some degree of discussion, and he was ready to declare, that he was as adverse to it as any gentleman could be, and would not wish it to make a part of the bill, unless the necessity of the case required it, and milder remedies were not to be found. The bill had certainly been introduced without the clause, and the clause had not been introduced by him, though he had altered it in such a manner, as he had flattered himself would have prevented it from being obnoxious to the objections.

that had just been stated. The clause had been introduced by a Magistrate of great respectability and experience, a gentleman most likely to know the extent of the necessity that called for such a clause, and consequently the most capable to suggest the fittest remedy. Nor had the clause been introduced in any manner contrary to order; a fact which he had a right to assume, as it had not been objected to on that account from the Chair, nor by any individual Member. So much for the introduction of the clause which had been complained of.— With regard to the objection, that the clause related to an evil, that did not require it, he repeatedly heard complaints of men getting their livelihood by attacking persons in the streets in the day time, as well as by night, and that the evil had arrived to so enormous an extent, that it was neither safe to walk through the streets of the metropolis by night or day, and that the property lost annually in this way amounted to two hundred thousand pounds.

Knowing that fact, as every gentleman who resided in London or Westminster must do, could any reasonable man say, that when a bill for the regulation of the police of the metropolis was under the consideration of the Legislature, a point so essential to the safety of the persons, and property of the subject, ought to be neglected? It had been said, these were a species of clauses for the protection of noblemen and gentlemen, and rich people. If the clause were for their protection only, he would not have given himself a moment's trouble about it.— Rich men had ample means of protecting themselves, by their attendants and servants, by riding in their carriages, and by other preventives. The clause had a large view; it extended to men of all ranks and descriptions, to those who kept cash at bankers, to bankers themselves, to their clerks, and to all who were interested in the property carried through the streets.— Were gentlemen to learn, that merchants, their clerks, tradesmen of almost every description, passed the streets at every hour of the day with considerable property about them, in cash or notes, and were beset with gangs of thieves, almost every one of whom were known to the people belonging to the offices of the acting Magistrates. Surely, such men as those he had described were entitled to protection. The clause had been objected against, as introducing a new principle. The fact was,

it was a very old principle of the common law, recognised by statute in early times. So long since as the reign of Edward the First, about the year 1276, an act passed, called the Statute of Winchester, which gave powers similar to the present, in respect to the apprehending of persons of ill fame. Mr. Burton read an extract from this statute, and from a subsequent one in the reign of Edward III. ; from the statute in the reign of Philip and Mary, from another in the reign of King William, from the Vagrant act in 17 George II., and from Lord Sydney's two acts in the present reign, by one of which, persons of suspicious character having fire-arms, cutlasses, and other offensive weapons about them, were liable to be apprehended, and sent to jail ; and by the other, persons with pick-lock keys, and other instruments of burglary, found upon them, were deemed liable to be committed ; all of which extracts confirmed the assertion, that the principle of the clause in question was by no means new or unprecedented. He also quoted the authority of Sir Matthew Hale, to shew that the same principle was at all times a principle of the common law of England, and that after a man, charged with felony, had been acquitted, yet if it had been testified that he was a person of ill fame, he should be detained in custody till he had found sureties for his good behaviour. After quoting Dalton, and other writers of commentaries on the law, and descanting on these precedents, it only remained for him to shew, that the remedy proposed by the clause was necessary and adequate. In order to prove this, he proceeded to state, that the vagrant act inflicted more severe penalties on persons infinitely more innocent, and less decidedly obnoxious, than those who were the objects of this charge. He went through a comparative statement, and asked, in particular, if strolling players were equally offensive to society as pickpockets and thieves ? He recurred to the objects of the clause, and said, no one was more an offender against society, than he who lived so as to occasion terror to every quiet subject. Nor was the matter left so vague, as to furnish a pretext to malice. It must be sworn to, not only that the party apprehended was a person suspected, but a reputed thief, and justice must be done, by its being farther proved, that he was a person found in such a place, with an intent to commit a felony. It appeared to him that there was

no difficulty in the thing, and that it was a proper remedy, since a better reliance could not be found for personal security, than separating the gangs of thieves that daily depredated on the property of individuals. Mr. Burton, in reply to the objection, that sending a man to prison would not make him better, said, that, to his knowledge, in some places in the country the fact was otherwise. He knew prisons, where prisoners were not the worse for having been confined. Many, he was persuaded, of those who lived as thieves, were they put in the way of reform, would correct their manners, and amend their lives. And as a proof of it, he related a story of a boy who had known neither father nor mother, but had been of necessity educated as a pickpocket; that boy, being brought before a Magistrate, was admonished on his evil course of life, when the lad fairly stated that he was compelled to follow it, having been taught nothing else, and consequently having no other means of livelihood, but declared his willingness to live by honest industry, if he could be put into the way of doing so. The Magistrate approved of his declaration, encouraged the boy to persevere in his good intent, and promised to procure him a birth on board some ship or other. The boy, firm to his purpose, came every day, for a considerable time, to the office; was there the whole day, till a birth was procured for him; and he had no doubt but that he was at this moment an honest and a worthy member of society. He therefore thought the clause ought rather to be considered as a preventive against the commission of crimes, than a punishment for criminals, and as a part of a temporary act, and an act of experiment, it ought to be admitted. He reminded the House, that the proposed duration of the act was but for three years; and if, contrary to his expectations, it failed of effect, or in its operation promoted evil rather than good, he declared he would be the first man to propose its repeal.

Mr. FOX said, he certainly never felt himself more completely convinced of any thing in his life, than that the House ought not to adopt the clause now before them. It was against all the principles of criminal justice whatever—repugnant to the very essence of the law of England. The learned gentleman who had just favoured the House with his sentiments, had said, that the principle of it was not new, and then entered

into the recital of several authorities. If he had not come down in time to know the subject of debate, he should have thought the learned gentleman was about to move for the repeal of those sanguinary statutes, and that he was enforcing the propriety of that repeal by a strenuous exertion of his reason, as well as his talents for ridicule. He was pleased to have recourse to the wisdom of antiquity upon this subject, and to adduce the authority of an act of Parliament passed in the reign of Edward the First. He thought that at this day the people of this country knew pretty nearly as well as those who lived in the reign of Edward the First, the proportion which punishments ought to bear to crimes, and what consideration ought to be given to the liberty of the subject. But it was a libel on the statute of Winchester to compare it to this clause. By that statute persons were taken up upon suspicion, and to be kept until they were cleared in due course of law, implying thereby, that when they were cleared, they could not be accused again, and that they were afterwards entitled to their freedom—but here they might be taken up on suspicion, and, after they were discharged, taken up again upon the same suspicion, and punished again by the same authority, without a specific act proved against them. Another observation was on the recital of this statute, which was quoted as an authority. If it is now in force, why was it not put into execution? Why enact a clause in another act of Parliament, introduced avowedly for another purpose, a principle founded upon a statute now unrepealed? As to the authority of Sir Matthew Hale, which the learned gentleman had quoted to prove that if there was a bad report given of a man, and that supported by evidence, that a person acquitted by a jury shall still remain in custody, on the order of the Judge, until he shall have given bail for his good behaviour; if there was such a law, and there might be such a practice, that might be a considerable additional reason why he (Mr. Fox) should next session make application to that House for leave to bring in a bill to repeal such laws, and put an end to such practice as, being a disgrace to England, ought to be repealed; but he thought that the general principle, and the bent of the practice of the law, was otherwise, and that a man when acquitted by a jury, was not only intitled to his discharge from the offence with,

which he was charged, but that in the eye of law he stood as aloof, even from suspicion, as if he had never been accused; and he must observe also, that suspicion was a principle so little known in the law of England, and even in the practice of it, that Courts never heard evidence of the badness of a prisoner's character. As to sanguinary statutes that are to be found in our laws, he had always been of opinion that to leave them standing in our code was a disgrace to our statute-book—that their inhumanity was manifest, their absurdity ridiculous; and that to attempt to execute some of them would be a daring mockery of common sense, and would rouse the indignation of the Public. And should he then be told that these precedents support the principle of the clause in question, that the introduction of it was no novelty—why there was no injustice, inhumanity, cruelty or infamy that could be said to be quite novel. There was a statute against rogues and vagabonds under the title of notorious rogues and vagabonds in the counties of Cumberland and Northumberland, declaring them felons without benefit of Clergy. That question was debated in that House, and by his exertion, and the very able support of a noble friend of his in another place (Lord Porchester), that House had passed a bill for the repeal of that act of Parliament, being of opinion, that being only a rogue and vagabond in Cumberland and Northumberland, was no greater offence than in Middlesex or any other county; and that a man should not be hanged for it in one place, while he was only whipped for it in another. However, the Peers had greater reverence for antiquity, and more profound discernment with respect to the nature and character of a notorious rogue in Cumberland than the House of Commons, and therefore the bill of repeal was rejected by their Lordships. He knew of another act of Parliament, by which a man for being companion with gypsies for a month, was declared a felon without benefit of Clergy, and they were of equal authority with those quoted by the learned gentleman. The whole of the question fairly to be argued, was—"Are the persons to be affected by this clause, guilty of "offence or not?" The learned gentleman said they were notoriously known. How notoriously known? Nothing could be known that had not happened—nothing by law could be said to have happened as a breach of that law that could not

be proved. It was on this principle that every man in England was declared innocent, until he is pronounced by law to be guilty. Have these men committed a felony or not? If they have, bring them to a Court of Judicature, prove their guilt, and pronounce them guilty. But we cannot prove them guilty—then by law they are innocent. No man should in a country governed by laws be permitted to say I know what I cannot prove; more especially, I will imprison a man for what I know I cannot prove, merely because he is in a situation that will not enable him to procure bail. Nay farther, I will whip him because he is unfortunate and distressed. This was the very essence of injustice, and would disgrace the most odious principles of a despot. There was nothing in the late detested Government of France that was so odious—a Government universally abhorred—should England imitate such a Government? Let a man, if you think him guilty, be tried by a jury, and then justice will be done both to him and to the Public, but do not let a Magistrate supersede a jury—nay more, to inflict punishment on a man whom a jury would acquit upon a principle acknowledged in the clause in question, for it was admitted it was to operate on none but those who could not be proved to be guilty. As to the distinction which the learned gentleman was pleased to make between gentlemen and a class of poor men, he could not bring his mind to approve of it. He should be very sorry to have his pocket picked because he was a gentleman, and that the law would afford him no protection because he was a gentleman. The truth was, and reason, justice and common sense taught it, the richest man in England should have neither more nor less, but exactly as much protection by the law, as the poorest—all distinction was unknown in the protection and benefit of the law of England; and whenever a clause was brought into any act of Parliament to make a distinction between persons, it was an attack upon the best principles in our constitution, namely, that the law is no respecter of persons. Another part of the speech of the learned gentleman, which conveyed an assurance to the House that the prisons in this country are so conducted that the prisoners were improved in their morals, after remaining there for some time, he was glad to hear, and wished the people of this country might be as ready to believe it, as he believed they

were at present pretty generally confident of the contrary. And as to the learned gentleman's story of the boy who was committed until a worthy Magistrate could procure a birth for him, and when he came out he was a lad fit to be employed; and so it seems will others be by the operation of this clause—a valuable clause, that could make a man have a good character because he had been in prison for suspicion of a felony—valuable indeed if it can make the Public believe, that to be in goal for being a rogue and vagabond, is to purify his manners, and that being confined in a prison is to stamp his good fame. The truth was, that this clause was against the fundamental principles of law, against the fundamental principles of justice. It was a clause to degrade and disgrace the law of England—to injure, harass, and oppress its subjects—to inflict punishment where there was no guilt—for where none could be proved, none existed by the English law. A clause was unfairly and insidiously brought into the bill, for the bill was opened as a bill to improve the Office of Justice of the Peace in certain parts of the Metropolis, and the House gave leave to bring it in under that impression. It might as well be brought in as a clause in a revenue bill as in this. It was a clause, that reversed the fundamental principle of the Criminal Law of England.—“That innocence must be supposed, where guilt cannot be proved.”

Mr. Secretary DUNDAS said, that no objection he had heard had shaken his opinion of the advantages of the clause. The more he investigated the subject, and he had done so most assiduously, the more he was satisfied of the necessity that required it, and the expediency and fitness of its application, as a clause forcibly tending to the prevention of crimes, and safety and security of the persons and property of His Majesty's subjects. He had again and again endeavoured to sift out the truth and to learn from those most familiar with the object of the clause, whether it were necessary or not, being in his mind as unwilling to adopt it, as any gentleman on the other side of the House. No longer ago than that morning, had he seen some of those persons vulgarly called Thief-catchers, the persons employed by the Officers of Police, in searching after, pursuing, and apprehending rogues and thieves, and men well known to live by depredations on the Public. He had questioned them

as strictly on the subject as the most professed enemy to the clause could have done. He had asked Macmanus whether the clause was absolutely necessary or not? And he had told him, decidedly, that it was. And when he again asked him, why he gave that answer, Macmanus had told him, that on Saturday night last he went to a place of rendezvous for men of suspected lives, and he there found fifty or fifty-three men sitting together, all of whom were known thieves and pickpockets. He asked Macmanus how he knew them to be pickpockets? When he answered, that he knew them well, that they frequented haunts where persons of that description only came, that he saw them at the doors of all public places, and was perfectly aware that their object in attending such places was to rob and plunder the unwary. He had added that if they had the authority of such a clause to act under, he could take these set of persons before the Magistrates to be appointed under the bill, and disperse these gangs, who desied day as much as the thieves of old used to court darkness, and endangered the public safety at all hours. He reminded the House that rogues reached the gallows by degrees; that they started as pickpockets about 13 or 14; that they became emboldened by habit and practice; that when by picking pockets they were able to buy a horse, they commenced highwaymen; and by an accumulation of crimes, all highly injurious to the Public, they arrived at the climax of their fate, and ended their career by the hands of the hangman. He appealed to the feelings of the House, whether it would not be practical humanity to rescue such wretches from their fate, and by an early prevention of their pursuits, check their evil courses, and afford them an opportunity of being restored to society? Nor was there any thing of an arbitrary nature, or that contradicted the principles of British jurisprudence in criminal cases in the clause. Reputed thieves were not to be sent to prison on the mere caprice of a constable; it must be proved that they were reputed thieves, and so reputed on substantial grounds. It must be also proved, that they went where they were seen and apprehended, for no other purpose but to commit felony; and the Magistrate, who could have no interest in acting under a prejudice against the prisoner, was to exercise his judgement on the whole of the case, and to act upon that. If in any case he acted improperly,

the impropriety would appear, the authority of the Court of King's Bench would intervene, or in failure of that, the House of Commons would naturally be resorted to, and called to exercise its inquisitorial faculties on the subject. The ascertainment of a reputed thief in London and Westminster, was not so difficult a matter as gentlemen seemed to imagine. Disguises were worn by them, and their favourite disguise was assuming the appearance of a Clergyman; under which appearance thieves and pickpockets were every day to be seen waiting at bankers doors, and even at the doors of the Bank of England itself. Thus they brought that habit into disgrace, which when worn by those who had a right to wear it, was entitled to reverence and respect. He spoke of the regulations that had been so wisely adopted in the jails of Oxford, Worcester, and Dorset, and said, if all prisons adopted similar regulations, men's morals might be improved in prisons, and they might hereafter feel the advantage of having a certificate from such prisons to testify their good behaviour and reformed conduct. For the grounds he had stated, he felt himself guilty of no breach of duty in wishing to prevent the commission of crimes, and in giving his cordial support to a clause, highly necessary to a bill, which, in his opinion, was calculated to produce the best effects to such of His Majesty's subjects as either resided in London or Westminster, or had occasion to visit the metropolis.

Lord NORTH said, he had just heard as able a defence of the most arbitrary principles, that were possible to be reduced to practice, as the ingenuity of the most artful advocate could contrive. His Lordship observed, that according to the right honourable and learned gentleman, it was to be understood that it was necessary, for purposes of Police, to make over to those two great men, Mr. Townsend and Mr. Macmanus, the same extensive and unrestrained powers, as were vested in the two Consuls of Rome formerly, that they should take care, *ne quid detrimenti respublica capiat*; a circumstance to which, he declared, he, for one, could not but feel some small degree of repugnance. He discussed the manner in which reputed thieves were to be dealt with, and said, as it must be on oath that they were to be committed for six months, he had rather take such an oath after they had once been in prison on that ground, than

in the first instance. He observed that the Legislature had long since decided that no man should be punished before he was convicted, declared he thought the remedy so much worse than the inconvenience it was meant to remove, that he should vote against the clause.

Sir JAMES ERSKINE ST. CLAIR said, he rose to offer no argument whatever; he wished merely to read the clause, and to shew that the first part was only introductory and matter of preamble, and that it did not warrant the conclusion.

Mr. MAINWARING said, he had more than once presented himself to the Speaker's eye, and unfortunately had not caught it, but that he felt anxious to avow himself the author of the clause complained of and objected against. His learned and his right honourable friends below him, Mr. Mainwaring said, had, by their arguments, rendered much that he meant to submit to the consideration of the House unnecessary; but he could not help remarking that the gentlemen on the other side of the House appeared to have considered the clause too much in the abstract, and not sufficiently to have considered the measure as opposed to the mischief. Would those honourable gentlemen say, that the subject was not entitled to the protection of that House, in a matter that urgently called for legislative interference? It was generally well known, that large gangs of the most daring and desperate fellows, who notoriously were thieves, and made no scruple of avowing that they lived by no other means than thieving, infested every street of the metropolis, and put the person and property of every individual passenger in danger every hour of the day and night; and that fact being undeniable, would it be contended that the Public had not a right to look up to that House for their interposition, and for their adoption of some measure fit to remedy the evil, and restore safety to passengers? So far from these reputed thieves concealing the means they lived by, that they avowed it without scruple; and as a proof that they did so, he stated the case of a gentleman, who had, at no very distant period, upon discovering an attempt to have his watch taken from him, seized the thief, and was conducting him to a Magistrate's office. In his way there, some confederates came behind him, and one of them cut him across his forehead, just over his eyes, in so dangerous a way, that his life was despaired of. The

thief escaped, which was certainly the least object of consideration, and the gentleman recovered. On his applying to a Magistrate's office, and describing the transaction, he was told, "Oh! that was such a man, (naming him); he goes about town with a gardener's knife about him, and generally wounds the person robbed, if he attempts to seize the thief." He was astonished that the people of the office should know who wounded him, but upon two of the persons stating, that they believed the man who had committed the act frequented a particular place, and asking if he would accompany them thither, though the situation was new to him, he consented. They then went, Mr. Mainwaring said, to a particular *rendezvous*, and on entering the room, they saw a number of persons, all known thieves, differently engaged; some at backgammon, some at cards, and some otherwise. As soon as they entered, they all behaved with great civility, and asked the Officers who they wanted? On the Officers stating the case, one of them said, it was not done by any of their people; perhaps it was done by such a person, (naming him), and if so, you will find him at the ———, where those of the gang he acts with meet every day. Nay, so little anxious, were the thieves to disavow their means of livelihood, that the spokesman said, "I knew you could not want me. I think I am out of all danger now, for I have taken to a new line, and am sure I am safe." If such things were going forward, did not the Speaker think, that justice was due to the Public, and that they had a right to look for protection? If it was not granted, he desired to know what sort of society it was in which they lived? No longer ago than last week, an honourable General, a Member of that House, going home before day-light was gone, six fellows came up to him in Abingdon-street, he was knocked down, and robbed of his watch and money. He demanded, if Mr. Barrington was not a man perfectly well known, and yet Mr. Barrington, who committed innumerable felonies before he was convicted, was seen repeatedly at church doors, when charity sermons were to be preached, and at other places, disguised as a Clergyman, a footman, and in other dresses. He, after stating this fully, appealed to the understandings of all who heard him, whether the clause was or was not necessary!

Sir WILLIAM DOLBEN admitted the utility of the clause in consequence, but urged the necessity of its being accompanied with a measure relatively connected with it, viz. the putting an end to those meetings which served as allurements to youth to vice and bad courses.

Mr. FOX desired to know, what farther punishment than six months imprisonment, the vagrant act authorised to be inflicted on those apprehended under its enactments?

Mr. Secretary DUNDAS said, he could only speak from memory, but he believed different punishments were allotted to offenders of different degrees of enormity.

Mr. ESTWICKE stated, that incorrigible rogues were to undergo whipping, as well as imprisonment.

Mr. POWYS desired that the act might speak for itself, and read the clause of the Vagrant act, which prescribed whipping and imprisonment for all rogues and vagabonds apprehended under certain circumstances.

The House divided on the clause;

For the clause, 114; Against it, 36. Majority 78.

After the division, strangers were not admitted into the gallery; but we understand that a second debate took place on amending the clause, and words were introduced into it, limiting the term of imprisonment to six months, including the time the person apprehended under it shall have been in custody before the Quarter Sessions.

On the question that the bill do pass,

Mr. FOX arraigned the general principle of the bill, as tending to a great increase of the patronage and influence of the Crown, while other means of correcting the evils which it was intended to correct, without such increase of patronage and influence, had not been tried.

Mr. DUNDAS replied to Mr. Fox, and the question passed in the affirmative, without a division.

Mr. Chancellor PITT moved the second reading of the new Appropriation bill, introduced in lieu of that thrown out yesterday, *pro forma*, on account of an amendment made in it by the Lords, and it was read a second time accordingly, and ordered to be committed. He then said, that as the substance of the bill had already been debated, and the alteration

made in it was merely formal, he did not suppose that it would be the subject of farther debate, and should move, "that it be now committed."

Mr. FOX said, he objected to one of the clauses of the bill, and wished for information respecting the steps intended to be taken for the reduction of the four per cents. with which the bill itself was in some degree connected, in fact, though not in form; and as other gentlemen might have observations to make upon it, it would hardly be proper to go into the Committee at so late an hour.

Mr. Chancellor PITT said, any questions respecting the reduction of the four per cents. were as much connected with any other business, as with the bill, and might, with equal propriety, be put at any time. If objections were again to be made to the bill, it would certainly be proper to defer the commitment till another day.

After some farther conversation, it was agreed to go into the Committee to-morrow, as the first order of the day.

The House adjourned.

Thursday, 24th May.

On reading the order of the day for committing to a Committee of the whole House the bill for providing for the reduction of the national debt, under the former principle of appropriating to it the growing produce of the sinking fund, as well as for providing for the gradual reduction of the debt, in case of future loans,

Mr. FOX said, he had several objections to the bill. He wished to ask the Minister whether the 4 per cents. were to be paid off now or not? He must observe, however, that if that plan had been adopted some time ago, a very considerable advantage would have been derived to the Public from it. That should have been done at the time this bill was agitated, and when the 3 per cents. were at 96 or 97. That was suggested at the time, but the Chancellor of the Exchequer said, he should wait until the session should be pretty near its conclusion, under an expectation that they would be still higher. He thought it better to take the advantage which then offered, rather than wait for a possibly better opportunity; and so he ad-

vised the Minister, because he was clearly of opinion, that whatever individuals may think fit to do, the Public, through the medium of that House, should always avoid speculation in the funds, and should proceed to reduce such of them as are redeemable at a time that it can be done with a positive advantage to the Public. But this the Chancellor of the Exchequer resisted, and the House adopted his sentiments, under what he was pleased to call a probability of their advancing still higher, forgetting totally that if there was a probability of their rising, there was also a possibility of their falling; and that fact actually happened; so that, comparing the advantage that might have been gained by reducing the 4 per cents. when the three's were at 96 or 7, he might safely say, that the Public lost three millions capital, and one hundred and seventy-six thousand pounds annuity, by the speculation of the Chancellor of the Exchequer. He did not affect to speak accurately as to precise sums; but he was rather under than over, on the point of calculation, which was evident on the face of it, the funds in question being now 8 or 9 per cent. lower than they were at that period. This, he said, confirmed him in his opinion of the propriety of taking an advantage, when the Public had it, instead of relying on a probable future rising. What could prove the danger of relying on future probability, on the rising and falling of the price of the funds, more strongly than what had happened; when the very person, who possessed the highest advantages of knowing the circumstances that are supposed to affect the funds, had been deceived so egregiously with respect to their rise and fall? He who was supposed to know every thing upon this subject, had lost the Public upwards of three millions by his speculations in this case. What conclusion was to be drawn from this, a plain and an obvious one—That if the Public have an opportunity of gaining a considerable sum at any one time, they should not forego it upon speculation, and the probability that the advantage will increase by time.—He should wish to know whether the Chancellor of the Exchequer intended to reduce the 4 per cents this session, or, as was generally rumoured, he meant to take the chance of time, and defer it to another year; and on this point he should not hesitate to say, that if asked, he should advise the reduction even now, for by it the Public would save upwards of one hun-

dred and seventy-six thousand pounds yet; and he freely confessed he saw no reason why that advantage should be foregone. It was true it fell deplorably short of the advantage that might have been gained at the opening of the session, when the Minister was advised to avail himself of it; but yet this was an advantage, which however small in the eyes of the Chancellor of the Exchequer, was yet considerable, and we were not sure it would continue.

Mr. Chancellor PITT said, that the grounds on which he intended to reduce the 4 per cents. he had opened on a former occasion, and therefore it was unnecessary for him to enter again into the detail. At the time of the bringing in of this bill he allowed that the advantage alluded to by the right honourable gentleman, might have been taken, but there was at that time under all the existing circumstances, a rational degree of hope that the advantage would increase, as the funds were at that time in a state of progressive advancement. It was very true, however, that the event turned out contrary to expectation.— And although he allowed it was very possible to risk too much upon contingency, yet he could not be prevailed upon to think that all conjecture should be entirely excluded; and although he had been deceived nearly to the extent mentioned by the right honourable gentleman, yet he still had hopes, and he believed there was a probability, that in the course of twelve months the public funds will be in the very state which he conjectured they would be at the end of the present session. As to the reducing of the 4 per cents. which were now at 96, if reduced, it must be at an hundred. He could not think that under all the circumstances the Public would be benefited by the reduction of the 4 per cents. this year; and he confessed he had no such measure at present in contemplation.

Mr. FOX complained that all the measures of the Minister were calculated upon what he called probabilities and speculation. He calculated upon a given event, that was highly to the advantage of the Public, because it was possible it might happen, forgetting it was possible also it might not happen.— In all the affairs of this world nothing was more certain than that if one thing was possible and might happen, that instead of that thing, another, and contrary thing, might also happen. The Minister confessed he had for the present lost to the

Public three millions by his speculation; but this was only for a while, and the case might alter—certainly it might—but it being lost at present, was its being lost totally and absolutely as ever any loss that happened; for as to the possibility of gaining, so there was a possibility of losing in future speculations. The Minister seemed in this case to be like bad judges of a game who play for money and lose their fortunes. He had lost once, but said, he had not entirely lost, for he might gain it back again. He did not remember that it was possible, that instead of regaining what he had lost by renewing the play, he might lose the remainder. But as to the probability of the thing, he confessed he had not the same means of forming a conjecture as the Minister—but with such as he had, he protested he did not see the great probability there was of the funds rising—what was to influence them to do so? The opinion of the Chancellor of the Exchequer—of that the Public had had a specimen, and it had lost them three millions capital, and upwards of one hundred and seventy thousand pounds annuity; therefore as far as experience went, we had but indifferent security. Was there any thing on the continent that was very improbable at the opening of the session, or was there any thing in the business the House were to discuss to-morrow (alluding to the proclamation) that would raise the public credit? Indeed he saw, in whatever light he viewed it, great danger in trusting to speculation in the funds; for with all his knowledge and abilities, with all his study and application, with all his vast superiority of every kind, the Chancellor of the Exchequer had been totally out of all calculation in his speculation in the funds. He, whose opinion was not even to be estimated; he, who if he had chosen to turn broker (he meant no reproach) might have had his own price for his opinion, was, after all, miserably deceived in his conjecture. What was to be learnt from this? One lesson, that speculation in the funds are unfit for Parliament to rest the state of our finance upon, and to regulate them accordingly.

Mr. Chancellor PITT^r replied, with reminding the right honourable gentleman, that four per cents. were at 96, and contended, that any prudent speculator would have acted as he had done, and preferred a permanent ground of speculation to a casual one.

On the reading of the clause, that no future loan shall take place, without means being taken at the same time for the payment of a certain portion of the capital as well as the immediate interest, a debate of considerable length took place.

Mr. FOX entered into the whole of the principle of this clause, and maintained the hardships it would impose on others for the temporary ease of ourselves. He treated it as a mode of legislating for posterity, who, in all probability, will be as patriotic as ourselves, as good as ourselves, as wise as ourselves, and wiser, for wisdom is progressive. He then went over the objections which he stated on the former bill, and dissented from the clause altogether.

Mr. Chancellor PITT observed, that the whole of the subject had been discussed in the House before, and the House had determined on it; and, but for an accident, it would not now be before them. [This alluded to an amendment made by the Lords, which, being a money bill, rendered it necessary that the bill should be rejected by the Commons, and another bill brought in, as all money bills must originate in the Commons.] He then went much at length into the principle of the clause in question, and defended it strenuously, upon principles already detailed to the Public.

The bill then passed the Committee, and the Chairman reported progress.

The report was received immediately, read, and agreed to.

The House adjourned.

Friday, 25th May.

On the motion of the LORD ADVOCATE OF SCOTLAND, the bill for altering and regulating the mode of accounting in the Royal burghs of Scotland, was read a second time.

On the motion for its commitment,

Mr. FOX observed, that he believed this bill was merely illusory; that those who complained of abuses in the Royal burghs would be of that opinion, and would require something infinitely more before they should be satisfied on that

point. He believed that when his honourable friend, (Mr. Sheridan) who was at present unavoidably absent, should be able to attend his duty in that House, a farther step would be proposed upon that subject; perhaps that proposition would come forward on the motion for the House to resolve itself into a Committee.

The question was then put for the House to resolve itself into this Committee on Wednesday next. Ordered.

Mr. Dundas moved the order of the day, which was for the House to take the King's proclamation into consideration. The proclamation was then read:

“ GEORGE R.

“ Whereas divers wicked and seditious writings have
“ been printed, published, and industriously dispersed,
“ tending to excite tumult and disorder, by endeavouring
“ to raise groundless jealousies and discontents in the
“ minds of our faithful and loving subjects, respecting
“ the laws and happy constitution of Government, civil
“ and religious, established in this kingdom; and endeavouring to vilify and bring into contempt the wise and
“ wholesome provisions made at the time of the glorious
“ revolution, and since strengthened and confirmed by
“ subsequent laws for the preservation and security of the
“ rights and liberties of our faithful and loving subjects:
“ And whereas divers writings have also been printed,
“ published, and industriously dispersed, recommending
“ the said wicked and seditious publications to the attention of all our faithful and loving subjects: And
“ whereas we have also reason to believe that correspondences have been entered into with sundry persons in
“ foreign parts, with a view to forward the criminal and
“ wicked purposes above mentioned. And whereas the
“ wealth, happiness, and prosperity of this kingdom do,
“ under Divine Providence, chiefly depend upon a due
“ submission to the laws, a just confidence in the integrity and wisdom of Parliament, and a continuance of
“ that zealous attachment to the government and con-

“stitution of the kingdom, which has ever prevailed in
“the minds of the people thereof: And whereas there
“is nothing which we so earnestly desire as to secure the
“public peace and prosperity, and to preserve to all our
“loving subjects the full enjoyment of their rights and
“liberties, both religious and civil: We, therefore, be-
“ing resolved, as far as in us lies, to repress the wicked
“and seditious practices aforesaid, and to deter all per-
“sons from following so pernicious an example, have
“thought fit, by the advice of our Privy Council, to
“issue this our Royal proclamation, solemnly warning
“all our loving subjects, as they tender their own hap-
“piness, and that of their posterity, to guard against all
“such attempts which aim at the subversion of all re-
“gular government within this kingdom, and which are
“inconsistent with the peace and order of society; and
“earnestly exhorting them at all times, and to the ut-
“most of their power, to avoid and discourage all pro-
“ceedings, tending to produce riots and tumults; and
“we do strictly charge and command all our Magistrates
“in and throughout our kingdom of Great Britain, that
“they do make diligent inquiry in order to discover the
“authors and printers of such wicked and seditious writ-
“ings as aforesaid, and all others who shall disperse the
“same: And we do further charge and command all our
“Sheriffs, Justices of the Peace, chief Magistrates in
“our cities, boroughs, and corporations, and all other
“our Officers and Magistrates throughout our kingdom
“of Great Britain, that they do, in their several and re-
“spective stations, take the most immediate and effectual
“care to suppress and prevent all riots, tumults, and
“other disorders, which may be attempted to be raised
“or made by any person or persons, which, on what-
“ever pretext they may be grounded, are not only con-
“trary to the law, but dangerous to the most important
“interests of this kingdom: And we do further require
“and command all and every our Magistrates aforesaid,
“that they do, from time to time, transmit to one of

“ our principal Secretaries of State, due and full information of such persons as shall be found offending as aforesaid, or in any degree aiding or abetting therein ; it being our determination, for the preservation of the peace and happiness of our faithful and loving subjects, to carry the laws vigorously into execution against such offenders as aforesaid.

“ Given at our Court at the Queen’s House, the
“ twenty-first day of May, one thousand seven
“ hundred and ninety-two, in the thirty-second
“ year of our reign.”

The MASTER OF THE ROLLS said, he rose with great satisfaction to call the attention of the House to the proclamation they had just heard. That satisfaction arose from a hope he entertained, that the ground on which that measure was issued, and what he intended to move on it, would meet with a warm and general concurrence from that House and the Public. He hoped that whatever differences might exist amongst many honourable Members of that House upon some points, they would all agree on this. He trusted they were all actuated by a dutiful and loyal obedience to the King, and a firm resolution to maintain the purity of the law ; and that they would use their best endeavours to secure both against all the attempts of designing persons to lessen the dignity of the one, or degrade and villify the other.

The proclamation said, that divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents in the minds of His Majesty’s subjects, which, in other words, tended to inculcate principles that were utterly subversive of civil society, and that subordination, without which a State could not exist. It might have been expected, perhaps, that such publications should meet with the contempt they merited, and be consigned to oblivion. But sorry he was to observe, that it was true that

there were in this country not only persons who promoted the circulation of these publications, and that bodies of men were formed, who held forth principles of the most dangerous nature as objects of example and imitation, and recommended them to the perusal and attention of the people of this country, much to the danger of the present form of our Government, but also endeavoured to call the attention of every individual in this country to what was denominated abuses and grievances, preferring the forms of Government in other countries to that under which we at present had the happiness to live.— For this most dangerous and wicked purpose, correspondences were held by persons in the country with those in foreign parts, for the effectual overthrow of this happy State. In such a condition of affairs, he appealed to every man in that House, whether the executive Government of this country had not acted wisely in taking the measure they had against the farther progress of such dangerous doctrines. When he saw in this country such correspondence with foreign nations, and when he reflected on what had lately happened in a foreign country, in consequence of the prevalence of the principles to which he alluded, and when he had reason to fear that misery would be the result, and when he frequently heard some discussions on the subject, and knew that notice had been given of an intention to renew them, it was enough for him to say that such discussions at this time are dangerous, and that such a situation as this is requires that we should be very careful to guard against every attempt at alteration. He recollected a part of the speech of an honourable Baronet (Sir James Murray) who seconded the address at the opening of the present session; that part of the speech gave him great pleasure in the recollection, as well as it did at the time it was delivered. It was, “that
“ there was a great and leading distinction between the
“ constitution of this country and the old constitution of
“ France. The French had destroyed theirs because it
“ was essentially a bad constitution—we should preserve

“ours because it was essentially a good one.” Then why were the people of this country to have their attention withdrawn from the contemplation of the happiness they enjoy, and visionary theories held out to them, by which all the blessings they now have might be lost, for such was the tendency of many publications, of which His Majesty, in his Royal proclamation, took notice. He thought that the people should be taught to avoid the perusal of all publications whatever that had any such tendency. Some of them were speciously worded, but they covertly aimed at the destruction of our form of Government. They had been circulated with great industry through schools and seminaries of learning, and if they began to make a progress towards the conversion of some young persons, it was high time for Government to look into what probably will be the consequence of such publications. He did not, he said, go too far when he said this, and the House, he believed, would be of the same opinion, when he should read to them an extract from one of these publications, which was, “That all Government “was tyranny, that all Kings were tyrants, and their subjects slaves.” This was not indirectly, but directly an attack upon all Government whatever. The consequence of such doctrine, if followed up, would be to put an end to all moral obligation, to produce a dissolution of the tie by which man was bound in civil society, an end to all civil connections, all returns of obedience and gratitude for security and protection. All this he stated to be the direct consequence of these attempts if they should succeed. The conduct of every good man should be directed to suppress these attempts. Such a man would feel it incumbent upon himself to follow the dictates of religion and morality, and make the law the rule of his conduct upon all occasions, and in every manner possible to discountenance these principles, and to do every thing in his power to resist whatever may endanger the public tranquillity; to counteract these poisonous publications which had been so industriously circulated. Here he quoted a sentence from Mr. Burke’s book upon the

French revolution, expressive of that right honourable gentleman's apprehension of the effects that might follow from the zeal, fraud, and ignorance of persons calling themselves reformers. The learned gentleman then said that he could not think that the executive Government were wrong in this case; nor did he think that the proclamation they had heard read would appear improper in the opinion of the House. He then moved,

“ That an humble address be presented to His Majesty
“ to assure His Majesty, that we have taken into our most
“ serious consideration His Majesty's Royal proclamation,
“ which, by His Majesty's command has been laid before
“ us; and we beg leave to testify to His Majesty, our warm
“ and grateful sense of this fresh proof of His Majesty's
“ constant solicitude for the welfare and happiness of his
“ people.

“ That we cannot see without indignation, the attempts
“ which have been made to weaken in the minds of His
“ Majesty's Subjects, sentiments of obedience to the
“ laws, and of attachment to the form of Government
“ Civil and Religious, so happily established within this
“ realm.

“ That the advantages which, under the Government of
“ His Majesty and his illustrious Ancestors, have been derived from legal and well-regulated freedom, and in the
“ unexampled blessings which we actually enjoy, afford to
“ His Majesty's Subjects peculiar motives to reflect with
“ gratitude on their present situation, and to beware of
“ those delusive theories, which are inconsistent with the
“ relation and duties of all civil society, and that we deem
“ it, under the present circumstances, the peculiar duty of
“ every good citizen, to discourage and counteract every
“ attempt, direct and indirect, against public order and
“ tranquillity, &c. &c. &c.”

Mr. POWYS rose to second the motion, and to adopt every sentiment which had been uttered by the honourable and learned gentleman who made this motion, a concurrence for which he believed he had competitors in every

quarter of that House. He thought it unnecessary to say more at present upon this subject, because he believed they should be unanimous on this occasion. But if there should be any dissent, and there was to be a debate upon the subject, he should beg the House to consider him as reserving himself at present, and that he should be hereafter heard.

Mr. BRANDLING thought it his duty to his Sovereign to vote in favour of this address, and thought also that by doing so, he should contribute to promote the interest of that House, and of the Public at large. He begged leave to call the attention of the House to the situation of this country at the conclusion of the American war, and to compare it with the situation of this country at the present moment. At the conclusion of that war, our landed property was depreciated very much, and our funds were very low. Had not the funds risen near thirty per cent. from that time, and the land advanced in value above ten years purchase? Was not our commerce almost as extensive as the ocean itself, and were we not at peace, and in every respect as happy as any people in the whole world? This was the situation in which we stood at this moment; this was a situation which we ought to endeavour to preserve. He called upon every man in the kingdom to say whether we should hazard this situation for the sake of giving way to speculative opinions. We should be content with the great blessings which we enjoyed; nay, they were not all ours, we had only a life estate in them, for they were the inheritance of our children. He therefore entreated the House to preserve their blessings, for that by doing so we did our duty in this world, and laid down a fair ground to hope for happiness in the next.

Mr. GREY said, that the address which had been moved by the learned gentleman, as far as it was confined to an expression of attachment to the Family on the throne, for securing the happiness of the people of this country, and as far as it regarded the support of the constitution, had his entire approbation. Neither he, nor any man in that House,

could have any objection to it in that view. But when he considered this address as coupled with other circumstances, he must aver, that to him, at least, there were objections to it in its present form, which, except from these circumstances, he should not feel.

A proclamation had been issued, on which he hardly knew how to express himself, because he could hardly distinguish whether the sentiment that gave it birth was more impotent or malicious. He begged he might be understood. He imputed no malice, nor did he insinuate, or wish to convey any thing disrespectful of the Throne. All the measures that came from that quarter he considered as abstracted from the illustrious personage whose name they bore, and wished to treat them as they really were, as the measures of those who advised the Sovereign, and who were always responsible for their conduct, and accountable to that House. If, therefore, he said, he saw in this proclamation any thing culpable, and reprehensible, any thing of impotence or malignity, it was to them, and to them only, that he applied these expressions. It was well known that he, and those with whom he had the honour to be engaged, stood pledged to that House and to the Public to a measure which had of late excited a considerable sensation in that House, and had obtained some attention of the Public. But when he applied to this subject, and appealed to those who did him the honour to attend to the notice he gave, that he should in the course of the next session of Parliament move for a reform; and as he feared he should not have the countenance of those whose friendship he esteemed, and with whom he concurred in general; destitute of the encouragement he could wish to have, he felt himself under the necessity, implicated as he was in this case, to request the indulgence of the House, while he stated, openly and fairly, all he thought, and all he felt upon this occasion. He could have no wish to disguise his sentiments, he had no reason to conceal his feelings. As far as these were concerned, he should ask no favour, he should claim no indulgence, he would freely, fully, fairly, impartially state his

whole sentiments upon this important subject. Those whose views were honourable needed no concealment.— Those with whom he usually had the good fortune to act, and whose friendship he esteemed, but who differed from him in opinion on the present subject, he knew to be men of honour; and although they differed, he must do them the justice to say, what he really felt, that they were in this, as in other cases, actuated by the purest motives.— They were, although he was not, impressed with an apprehension of danger at the idea of bringing forward a motion for a reformation in Parliament. They had stated their sentiments fairly and candidly. He thought their apprehensions groundless; but he hoped he might, without offence to them, pursue his measure at the time in which he had given notice he should bring it forward. But here he must be allowed to tell the House that it was extremely hard that his friends and himself should be placed in a situation which they must feel an uneasy one, being compelled to differ in their expressions to night, because they differed in opinion, and to appear as if their general concurrence of sentiment no longer existed. This was a measure insidiously contrived, and adopted with no other view than to separate those who had been so long connected. It was a measure concerted by him whose greatest delight was to see discord supersede harmony among those who oppose his measures. Never was a man in that House who delighted more in these sinister practices than the right honourable gentleman. He whose whole political life was a tissue of constant inconsistency; of assertion and retraction; he who never proposed a measure without intending to delude his hearers, who promised every thing and performed nothing, who never kept his word with the Public, who studied all the arts of captivating popularity, without ever intending to deserve it; who was a complete public apostate from the first step of his political life, down to the present moment, whose political malignity was now to be crowned, by an endeavour to separate the dearest.—[Here there was a mixed cry of Order! Order! Order!—Go on! Go on! Go on.]

When it had subsided he proceeded, and observed, that clamour should never meet with any thing but contempt from him. If he had erred from the order of debate, there was a proper mode of checking him; and he wished, before he proceeded any farther, to take an opinion from the Chair, that was, supposing that any thing but clamour was intended, if there really was any complaint to be made against him for what he had said; if there was a gentleman who, in truth, thought him to be out of order in what he had said, he hoped such gentleman would have the manliness to step forward and make the accusation. [A pause of a few seconds took place, no complaint being made, Mr. Grey proceeded.] He should then repeat, that if there was a man in that House who had a purpose to answer, and whose malignity could be gratified by separating the dearest friends, for the purpose of making it appear that they were inconsistent with themselves, and with a view of shewing that all their efforts were the result of faction, and not really arising from a general concurrence of principle, in order that they might be looked on with indifference by the country at large; it was the right honourable gentleman. He whose whole conduct was an uninterrupted series of contemptuous disclaim of the dearest rights and privileges of the people, whose uniform daily practice was calculated to destroy the best privileges of that House, supported by—

Mr. YORKE called to order, and said, that the honourable gentleman, by his appearance, looked as if he pointed at him, at the same time he must say he thought him extremely disorderly. [Chair! Chair! Chair! was loudly called, and Mr. Yorke sat down.]

The SPEAKER said, that had he felt that the honourable Member was proceeding in a disorderly manner, he should have interrupted him.

Mr. GREY said, that he might not be liable to any more interruptions, he wished to call for the decision of the Chair, whether he was regular or not.

The SPEAKER declared he did not think there was any irregularity imputable to Mr. Grey; if he had thought there

was, he should have been guilty of a breach of his duty not to have interrupted him.

Mr. GREY went on ; he observed that if he had not heard the honourable gentleman who interrupted him, he should not have known he was in the House. But to proceed to the subject of the debate. Those who had spoken on this subject had expressed a wish that the address just moved should meet with the unanimous concurrence of that House. He had already stated, that he felt parts of it that were objectionable, and he should now proceed to observe upon them. The learned gentleman who had moved the address had said, it belonged to Government to take up this subject, and to do all that could be done to suppress the publications to which he alluded. Upon this he must observe, that if these publications were dangerous, if they had an evil tendency, there was another mode of proceeding. The present mode was irregular, inefficient, and mischievous. The probable effect was alarming, for that the mode altogether, under all the circumstances, would appear in the eyes of the people to be the offspring of extreme and peculiar malignity. Why was this mode adopted? If there were published writings that ought not to have appeared, His Majesty's Minuters ought to have prosecuted the authors, printers, and publishers of them. As to any publications that were said to be dangerous, he begged leave to say he gave no opinion upon that subject. In a general point of view he thought that there ought to be a perfect liberty for the circulation of all opinions upon public affairs. If there was any thing that involved the public safety, or threatened evil to the State, it was the duty of those who presided over the affairs of Government to take notice of it ; and it would then become a consideration of prudence whether it was expedient to prosecute or not. But if they were sure that there was any thing circulated that ought really to be suppressed, and the authors and printers punished, there certainly was a power in the hands of His Majesty's Ministers by means of which they might put a stop to such proceedings, without having recourse to a proclamation in general terms, forbidding any circulation of writings. This could not fail to create a general alarm. Instead of being conducive to the preservation of the peace, it would produce directly the reverse, and nothing but tumult could be expected. What had been the

conduct of gentlemen who now complained, who now affected to be alarmed, who now saw danger and sedition in certain writings, who now called on that House to co-operate with them in suppressing these publications by giving their sanction to a proclamation so extraordinary, that he defied any Member of that House to produce a similar one, on such an occasion. What had His Majesty's Ministers been employed in all the time, during which these publications had been circulating? where was their vigilance and solicitude for the tranquillity of the kingdom all this while? upwards of twelve months had elapsed since the publications, which were deemed the most seditious and the most dangerous, had made their appearance. What would they now say for themselves, or what would the Public think of the conduct of the Ministers of the Crown, who had suffered these publications, which are said to be the bane of public tranquillity, to poison the public mind for a whole year? Either they should have prosecuted sooner, or they should not have prosecuted at all. Indeed, he feared there was too much justice in an observation made use of by an honourable friend of his (Mr. Whitbread) on a former day; he had said, that there were in this country, persons who had toleration on their lips and persecution in their conduct. As to persecution, he did not believe that those who were persecutors, believe themselves to be so. He did believe, that while a person was acting upon a principle the most persecuting, he did not consider himself as acting upon a wrong principle; self-love imposed upon, subdued, and silenced conscience, and imposed its own terms upon the judgement and understanding. It was the general character of persecution to be blind, as well as cruel. Persecution was, therefore, often to be seen in the conduct, while its abettors thought their hearts were pure.

He wished to know what the motives could be that brought forward at this time this sudden show of ardour to subdue disorder; had it always manifested itself in the conduct of Ministers? Had they always been as alert as now they seemed? Was there any remarkable activity displayed in preserving order in the affairs of Birmingham, where there had been actual outrage and violence to the laws, and to liberty and order? Indeed he feared that the conduct of Government on that occasion, was not what it would have been had the circumstances

been reversed. Had those who were the sufferers been in fact the offenders, instead of those who were supposed to be the friends of the Government of the kingdom, he believed a very different mode would have been adopted to quell the riots; and to punish the rioters. But to return to the seditious writings which are now to be prohibited, their evil tendency, although published twelve months, is but just now discovered. They must be suppressed at once, and how? The King's Commissioners of the Peace, his Magistrates, his Officers throughout the kingdom, were to make diligent inquiry, in order to discover the authors and printers of such wicked and seditious writings; persons who never were supposed, till now, to have had any thing to do with this sort of business. In general Magistrates were supposed to be men of some character and fortune, here they were turned into informers. A system of Espionage was to take place by order of the Crown. The very idea was surprising as well as odious, that a proclamation should issue from the Sovereign of a free people commanding such a system, to be supported by spies and informers.

Here he would quote a passage from an honourable gentleman's address to his constituents, which described the situation which this proclamation had a tendency to produce.

“ Gentlemen, bad laws are the worst sort of tyranny; in such a country as this, they are of all bad things the worst, worse by far than any where else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions, for very obvious reasons. You cannot trust the Crown with a dispensing power over any of your laws. However, a Government, be it as bad as it may, will in the exercise of a discretionary power, discriminate the times and persons, and will not ordinarily pursue any man, when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves not only to the Government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

“ In this situation men not only shrink from the frowns of a stern Magistrate, but they are obliged to fly from their very species; the seeds of destruction are sown in civil intercourse,

in social habitudes. The blood of wholesome kindreds is infected; their tables and beds are surrounded with snares; all the means given by Providence to make life safe and comfortable, are perverted into instruments of terror and torment; this species of universal subserviency, that makes the very servant who waits behind your chair, the arbiter of your life and fortune, has such a tendency to degrade and abuse mankind, and to deprive them of that assured and liberal state of mind, which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude; to keep him above ground, an animated mass of putrefaction, corrupted himself, and corruption all about him."

Such was the character with which this proclamation went to invest the Magistrates, and such the effects it was calculated to produce to the subjects.

As to what had been said on the constitution of France, and the charge that had been made against the reformers, that they intended to follow the example of that country, it was easily answered. It was true, he believed, there existed grievances, and great grievances too, in this country; but care had been taken by the gentlemen with whom he acted, and whose object was a temperate reform, to state expressly that there was a great and fundamental difference between the condition of England and that of France. He believed that there was no similar necessity. Theirs was a constitution which defied reform—ours was a constitution capable of reform, but calling aloud for it. They had taken care to say so in their declaration upon that subject, and yet they were every hour traduced and vilified, charged with intending what they not only had repeatedly said they did not wish, but against which they had openly declared they would use their utmost efforts. He observed that these points were nearly as clear to every candid man in the kingdom as the learned gentleman's maxim, "That every good man" "would be governed by the rules of morality and religion" a maxim to-night so powerfully recommended, that for the future he had no doubt it would be universally pursued,

An honourable Member under the gallery (Mr. Brandling) who favoured the House with his sentiments to-night, had made a great distinction between the situation of this country at the time of the American war, and its situation at the present moment, and in consequence of the comparison, had brought his mind to be clearly against all parliamentary reform, and even against the publishing speculative opinions on the state of our Government; this certainly was necessary for that honourable gentleman to state for the sake of his own consistency, for it was well known that he had, at the conclusion of the American war, taken an active part, in the county of Cumberland, in favour of a parliamentary reform. But what, in truth, had made the difference between the time of the conclusion of that war and the present period on the subject of reform? Had we any security of the friendship and amity of any foreign Powers by what we had lately done? Was there any thing in our late proceedings that made us suppose that the present House was more the organ of the public voice than when that war was terminated? Was the affair of Nootka Sound a proof of this? Had we conciliated Spain by our conduct on that occasion? Was the armament against Russia any extraordinary proof that Parliament spoke the genuine sentiments of the people? Did the Chancellor of the Exchequer imagine that his conduct towards foreign Powers had contributed to the making of them all our friends, and that therefore we were entirely out of danger from foreign enmity? Or was the representation defective, when the Chancellor of the Exchequer made a motion to reform it, but became pure at once, as soon as he came into power? And was the necessity of it entirely out of the question, while he remained in office? But it seems that the proposition for a parliamentary reform was improper, on two grounds, for so the Chancellor of the Exchequer told the House at the time he (Mr. Grey) did himself the honour to give notice of his intended motion. The time, it seemed, and the mode were both objectionable. Now what was the conduct of Mr. William Pitt in the month of May 1782? perhaps the House would not be displeased if they heard.

“ Thatched House Tavern, May 16, 1782.

“ At a numerous and respectable meeting of Members of Parliament, friendly to a constitutional reformation, and of
 “ Members of several Committees of Counties and Cities—
 “ Present,

The Duke of Richmond,	The Hon. William Pitt,
Lord Surrey,	The Rev. Mr. Wyvill,
Lord Mahon,	Major Cartwright,
The Lord Mayor,	Mr. Horne Tooke, &c. &c.

“ Resolved unanimously, That the motion of the honourable
 “ William Pitt, on the 7th inst. for the appointment of a Committee of the House of Commons to enquire into the state of
 “ the representation of the people of Great Britain, and to report the same to the House, and also what steps it might be
 “ necessary to take, having been defeated by a motion for the
 “ order of the day, it is become indispensably necessary that
 “ application should be made to Parliament, by petitions from
 “ the collective body of the people, in their respective districts,
 “ requesting a substantial reformation of the Commons House
 “ of Parliament.

“ Resolved unanimously, That this meeting, considering
 “ that a general application by the collective body of the People
 “ to the House of Commons, cannot be made before the close
 “ of the present session, is of opinion that the sense of the
 “ people should be taken at such times as may be convenient
 “ during this summer, in order to lay their several petitions
 “ before Parliament early in the next session, when their proposals for a parliamentary reformation, (without which neither the liberty of the nation can be preserved, nor the permanence of a wise and virtuous Administration can be secured) may receive that ample and mature discussion, which
 “ so momentous a question demands.”

What did the Committee for a Parliamentary Reform do? Precisely what William Pitt did in the year 1782. So much for the objections against time and mode urged by the Chancellor of the Exchequer in the year 1792. His arguments might satisfy himself, but he believed it would not be quite so easy to satisfy the Public in this way. It ill accorded with the former

professions of the Chancellor of the Exchequer, or of his illustrious father, with whom a parliamentary reform was a darling object, as would appear in an ingenious and able pamphlet, written by Sir Brook Boothby, of which the following was an extract :

“ This reform may, it ought to be, nay, I think it must be, speedily obtained. It cannot be brought forward under more fortunate auspices. It was the last legacy of the dying Chatham, and the virgin effort of our present Minister.— His honour and piety are both engaged to persevere in it to effect. And if the son's face is not stamped with those grand and prominent features which gave such irresistible command to the countenance of the father, his powers of influence are not less efficacious.”

In truth, the Minister could not say a syllable against a parliamentary reform, without an utter dereliction of principle.

Another of His Majesty's Cabinet Ministers, who now felt such horror at any thing like an attempt at alteration, (he meant the Duke of Richmond) had, in a letter to Colonel Sharman, Chairman of the Committee in Ireland, appointed by the volunteer corps, dated the 14th of November, 1783, expressed himself to the following effect :

“ For my part, I agree in opinion with those who are for restoring to all parts of the State their just rights ; at the same time, to do it generally, not partially, is what I must contend for ; at the same time, I admit that I am not for restoring the negative of the Crown. My reason is, that it appears to me preposterous, that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it, as I would to any other prerogative of the Crown, or privilege of the Lords or People, that is not founded on reason *.”

Now, could there be any thing more extraordinary than the opposition of Ministers to the present desire for reformation, and their fears from the proceedings of the society ? What security would the Public have for the sincerity of these gentle-

* Vide the Remembrancer, Vol. XVI. printed for J. Debrett, Piccadilly.

men? Why was there such horror expressed at Associations? What was their public declaration upon this subject? Was it not a bond and pledge, from which, as men of honour, they could not depart; or if they did, how could they expect credit from the Public? And when their credit with the Public was at an end, there would be an end also of their danger, if any such were apprehended; and yet, under all these circumstances, it was deemed fit to issue a proclamation, to warn the Public against the conduct of men with such honourable intentions, for so he would maintain they were, and he challenged any man in the kingdom to assert the contrary. Indeed, it was quite ridiculous to endeavour to conceal the chief cause of this famous proclamation; he knew it to be, and he believed it would not be denied, for the purpose of bringing a jealousy and suspicion into the minds of the people, with respect to the intentions of this society. It was a society, which he must repeat, that had given a bond to the people, which they could not depart from, and this, to remove all doubts of their intention; nor was there one man of honour in the kingdom, who knew any thing of them, who was not satisfied they were in reality what they called themselves, "The Friends of the People." He must therefore maintain, that this proclamation, and the manner in which it was now followed up, was a malicious proceeding. First, it defamed the Association, and held up a number of respectable men to the odium of the Public, and charged them with intentions which they had plainly disavowed, of endeavouring to change the form of Government in this country; and now the House of Commons were called upon to concur in that slander, without allowing these gentlemen to express their sentiments upon the subject, or obtain the opinion of the people. Secondly, it was malicious; because it was brought forward to shew that those who usually act together on all other occasions, differ upon this, for the purpose of conveying to the Public that they were disunited. Thirdly, it was brought forward, by way of taking a chance that this difference in one instance might make a difference in every instance between those who had so long and so cordially united upon principle. But he trusted the people would have too much good sense and discernment to be imposed upon by the two first, and he was sure there was too well-founded an attachment between the parties

to make the other of any avail whatever. As to the indecent insinuation, that the Friends of the People were defective in their attachment to the Throne, it was infinitely too foul a calumny to merit any thing but contempt. What he had said on the proclamation, was applicable not to the Sovereign, but to those who had advised it; this he begged to be remembered. As to the part he had taken, he was ready to answer for it whenever he should be called upon; and whether he should differ from, or agree with, most of those with whom he had the pleasure to act, he should always entertain the same sentiments of esteem for them. Still more particularly must he acknowledge the friendship and favour he had received from one of them in particular; a man whom he had too much affection for to flatter him—a man whom he could never forget for a moment, nor the honour he derived from his acquaintance—

— *Dum memor ipse mei.*

A man, who though placed in a situation exceedingly delicate, and of a trying nature, between friends of different opinions, and for whom he had an equal degree of affection, yet, even here, had manifested an elevation of soul, a dignity of deportment, a nobility of principle, a consistency of conduct, that cast a lustre on his unrivalled talents, and ornamented his virtue. These observations he could not avoid; they came from an honest heart; and he hoped that right honourable gentleman would not be displeased at its effusion; for at an early time of life he had formed this attachment, which had progressively increased by time, and could not now find words adequate to express what he really felt. He should now move an amendment on this address, which was,

“ That an humble address be presented to His Majesty, to thank His Majesty for the gracious communication he has been pleased to make to this House of His Majesty’s Royal proclamation.

“ To assure His Majesty that his faithful Commons will be at all times ready to manifest their attachment to His Majesty’s Royal family and person, and to that happy constitution of this country as established at the time of the glorious revolution, by openly resisting, to the utmost of their power and ability,

wherever they may appear, “ any attempts which aim at the
 “ subversion of all regular government within this kingdom,
 “ and which are inconsistent with the peace and order of so-
 “ ciety.”

“ To assure His Majesty, that his faithful Commons most
 cordially participate in the gracious sentiments expressed by His
 Majesty ; and that there is “ nothing they so earnestly desire,
 “ as to secure the public peace and prosperity ; and to preserve
 “ to a loyal people, the full enjoyment of their rights, both re-
 “ ligious and civil.” That they are confident this benevolent
 desire cannot be defeated, when they consider His Majesty’s
 paternal care and regard for his people ; and the fixed attach-
 ment which His Majesty’s faithful subjects bear to the happy
 form of our government, and the genuine principles of the
 constitution. These His Majesty’s faithful Commons cherish
 as objects of just affection ; not from any implicit reverence,
 or habitual superstition, but as institutions best calculated to
 secure the blessings of liberty and order ; and because they are
 convinced, that on them the wealth, “ happiness, and prospe-
 “ rity of this kingdom, under Divine Providence, chiefly de-
 “ pend.”

“ Humbly to represent to His Majesty, that if any “ wicked
 “ and seditious writings have been printed, published, and in-
 “ duitiously dispersed, tending to excite tumult and disorder,
 “ by endeavouring to raise groundless jealousies and discontents
 “ in the minds of His Majesty’s faithful and loving subjects,
 “ respecting the laws and happy constitution of Government,
 “ civil and religious, established in this kingdom, and endea-
 “ vouring to vilify and bring into contempt the wise and
 “ wholesome provisions made at the glorious revolution,” that
 His Majesty’s faithful Commons, at the same time that they
 cannot help expressing their strongest disapprobation of all such
 proceedings, humbly conceive that His Majesty’s Government
 is already vested with sufficient powers to punish any open vio-
 lation of the laws ; and that if any writings, which His Ma-
 jesty’s Ministers consider as proper objects of prosecution, have,
 for any length of time, been published and circulated, without
 notice, the said Ministers have been guilty of criminal neglect,
 in not sooner instituting prosecutions, for the purpose of bring-
 ing to punishment the authors of such publications.

“ Farther to represent to His Majesty, that if upon this ground alone His Majesty had been advised to issue his Royal proclamation, His Majesty's faithful Commons, with the firmest confidence in His Majesty's gracious and benevolent intentions, feel themselves in duty bound humbly to express their regret, that His Majesty should have been induced to take a measure, which, under such circumstances, they cannot but regard as unnecessary, and which may produce the effect of exciting groundless alarms and suspicions in the minds of His Majesty's faithful and loving people.

“ To assure His Majesty, that his faithful Commons are always ready zealously to concur with His Majesty in such measures as may be found most effectual for the suppression of “ all “ riots, tumults, or other disorders, on whatever pretexts they “ may be grounded,” as well as to use all legal means for the prevention of similar disorders in future.

“ To express to His Majesty the deep regret that His Majesty's faithful Commons felt at the tumults and disorders which took place at Birmingham in the course of the last summer, to the disgrace of all good government, the utter subversion of law, and the destruction of the security and property of His Majesty's most faithful subjects. Humbly to suggest to His Majesty, as the surest means of averting the calamities inseparable from such disorders in future, and of discouraging and suppressing the lawless violence which gave occasion to them, the expediency of proceeding, with all the severity of the law, against such persons as may have been instrumental in aiding and abetting the said riots, who have not already been punished; and particularly to express their earnest wish, that speedy measures may be taken for the prosecution and punishment of such Magistrates, as, upon the aforesaid melancholy occasion, may appear to have been guilty of gross and criminal neglect in the discharge of their duty.

“ These sentiments, dictated by an unfeigned love for His Majesty's Royal person and illustrious House, an anxious regard for the peace and happiness of the country, and a steady and zealous attachment to the true principles of our happy constitution of Government in Church and State, His Majesty's faithful Commons have thought it their duty to lay at the foot of the Throne, humbly hoping that His Majesty will be pleased

to take them into his most gracious consideration, as the sentiments of men who have no interest but to preserve that freedom which is the birthright of all Englishmen, and who look to no means of doing so, but in the maintenance of good order, and a steady adherence and dutiful submission to the laws."

Mr. MARTIN said, he was the last individual in that House who would wish to obtrude his sentiments upon the House; but as many things had been imputed to him personally, as well as to the society of which he was a Member, at a moment when it was so highly necessary that the people of this country should not be deceived, he thought it his duty to explain what his sentiments on Government really were; and more particularly when such pains had been taken to misrepresent him so grossly. The general calumny against the Association on account of their character, was of much too contemptible a nature to merit notice; but it was necessary to come forward when principles were imputed to them, with respect to which, if not refuted, some of the public might be under a delusion. He was educated in a manner that gave him a strong prejudice in favour of the Family on the throne. He wished on this occasion to throw aside all delicacy, and confess the whole of what he felt on the subject of Government both civil and religious. As to his religion he was an Unitarian, and felt no shame in confessing that there appeared to him nothing ridiculous in worshipping one God instead of three. He, however, regarded all persons alike with respect to their opinions. He knew of no one class of men that were either better or worse than any other; there were some good and some bad in all classes, from the King to the beggar. As to his opinion upon State, he was attached to the form of King, Lords and Commons. Such a Sovereign as we had the good fortune to be governed by—such a nobility and Commons as should fairly and really be the representation of the aristocracy and the Commons of Great Britain. In short, he wished the constitution of England to be in fact what it was in theory. For the better explanation of his political creed and political views, he should beg leave to read a declaration inserted in the Manchester paper of the 15th of May, 1792, by a society entered into at that place, whose object was to obtain an equal representation^o of the people—an object much to be desired, and without which

the Government of this country would continue to be deplorably defective; and he believed there were but very few men in England who would say that our representation was perfect. It was true enough that of late the Minister was pleased to say that there existed no actual grievance in this country. He believed the people could not be easily prevailed on to believe this; and when abuses were denied by those who profited by them, and partook of the loaves and fishes, the evidence was neither safe nor satisfactory. He believed there was hardly a man, even in that House, who would seriously say there was no cause for complaint. He wished to be considered as a Member of the Society of the Friends of the People, which he believed to be an honourable one; but although he was a Member of that society, yet he wished to be considered as answerable only for his own opinion and not for the opinion of the majority of that society in all cases. He had frequently sat on Committees of election, and the scenes of bribery and corruption, and other infamous practices in that case only, were enough to call for a parliamentary reform. He wished to make one observation upon the mode of speaking in that House, and he confessed freely, he thought both sides often to blame in that respect. Temperate language should always be used. The reverse of this could never be of any service any where. Suppose a man to be a fool—fools could not be made wise by being called blockheads—nor would knaves ever be made honest by being called scoundrels. We should reason, but not revile.

Sir EDWARD KNATCHBULL supported the proclamation, and the address moved by the learned gentleman; in doing which he believed he spoke the sentiments of the country, and was sure they were the sentiments of his constituents.

Mr. GREGOR approved highly of the address, and considered the proclamation as a measure absolutely necessary.—Holding that opinion, he thought thanks were due to His Majesty's Ministers for bringing it forward; and he was determined that he, as a Magistrate, and as a man in the county for which he had the honour to sit, would exert himself to the utmost to obey and enforce the instructions it contained.

Mr. CURWEN said, he was as much attached to the constitution as any man could be, and would think it his indispensable duty at all times to oppose every measure that was inimical to it; but his duty led him likewise to be attentive to the proceedings of Ministers, and when he saw them to be contrary to what his conscience told him was the real interest of the country, to oppose them. Those who possessed great fortunes, of respectable families, and many such were amongst the line of his friends, he thought were entitled to some degree of weight, and certainly if there were any whose especial care it ought to be to study, and exert themselves to promote the safety and prosperity of the country, it was theirs. He had the honour to be a Member of that Association which had occasioned so much conversation of late, and he desired any one to arraign the motives, the integrity, or the characters of the gentlemen who composed it; they acted from a principle of rectitude, and one that could not well be disputed, viz. that there was, if not an immediate, an absolute necessity for a reform in the representation of the people, and their endeavours to bring it about had hitherto been conducted in the most moderate and wise manner. He expected to have had his vote challenged upon this question, and to have been called upon by some irresistible argument to approve of the proclamation and address; upon that head, however, he was perfectly at ease, for no one point had been stated that led him to change his opinion on the subject. He considered himself, and those who thought as he did, to possess as much true loyalty and love for their country as any set of men, and therefore they were not, and would not be, compelled to support the doctrines of those who were apostates from loyalty, and every principle that they had pledged themselves to, if their system could be judged by the measures they brought forward. With regard to the word reform, without entering farther into his own sentiments upon it, he observed, the bare mentioning of the word gave offence to the delicate ears of some gentlemen, and some too, who, on former occasions, had stood forward as the most strenuous supporters of reform in Parliament. All their arguments had only this tendency, that they declared their wish ~~was~~ to perpetuate a constitution which, by their actions and measures, they seemed determined to destroy. On the subject of

reform he must add, that a moderate and well-timed reform was all that the people wanted, and this they were entitled to. Those who were friends to the people did not argue for any visionary or extravagant system, far less would they countenance any attempt to subvert the constitution. It was not from Paine's writings that their judgement was formed; on the contrary, they had taken every possible means to shew their disapprobation of such publications. But need they go farther than our own statute book to shew the necessity of reform; were there not acts to be found, some of which had been lately in debate fully and ably discussed, that disgraced the country? And what was stronger, if they only referred to the journals of the House, and saw it there asserted that seats in it were bought and sold, and this assertion never contradicted, was there not sufficient cause for reform! All this he could maintain, but begged the House to believe him, that he never would associate with any set of men whose motives were a subversion of the constitution. He then recurred to the debate on the repeal of penal statutes, and animadverted on the conduct of the Minister, whose word he thought had long since been pledged for parliamentary reform. As to the Association which it was thought had given rise to the proclamation, he begged to say a few words. He wished, if there was any thing connected with that Association, or the characters of those who composed it, that the objections might be named; and surely, if they were criminal, there was law in the country to punish them. He took the proclamation in another light, that though it did no harm here, where men's minds were more enlightened, it might have a very different effect in the country; and he reprobated, in strong terms, the recommendations given to Magistrates and Justices to become spies and informers, and their having it in their power, from caprice, or any other base motive, to oppress and subject to punishment innocent men. He remembered another proclamation, issued at the dark hour of midnight from St. James's, against blasphemy, profaneness, vice, and immorality, which was circulated and read in all the churches in the kingdom. The consequence was, that in many distant parts poor people were severely punished under the sanction of that proclamation for trivial offences, in comparison with those which were constantly practised in the neighbourhood of St.

James's, and in every part of the metropolis, with impunity.— The country had, upon all occasions, shewn its loyalty to the Sovereign upon the throne, and their sincere attachment to that constitution which placed the illustrious House of Brunswick there; doubts, therefore, ought not to be entertained of their sincerity, nor were such measures as the proclamation the most proper method to preserve that attachment and unanimity amongst them; they want no such warnings to obey laws which they reverence and admire; and if Ministers would only give them security against idle and expensive armaments and unjust interferences, such as they had lately been accustomed to, peace and tranquillity being their principal object, certain of that, they would fear no injury, but happily and gratefully testify on all occasions the blessings they enjoy under the excellent constitution of England. He concluded by remarking upon the churlishness of an honourable gentleman's arguments (Mr. Brandling), who was once a friend to reform, and appealed to the House, as he would do to the country, whether a stronger instance could be given of a necessity for reform, than the business of the Russian war, when that House had voted by great majorities what was directly opposite to the sense of the people?

Lord NORTH said, that disagreeable as it was for him at any time to differ from persons with whom he was constantly not only in the habit of thinking and acting with, but for whom collectively and individually he had the highest regard and friendship, yet his uneasiness was much removed by the moderation and temperate manner in which the honourable gentleman (Mr. Grey) had, with all his usual eloquence and ability, brought forward his amendment, because, from that circumstance, all fear of heat or intemperance in debate was done away. He then stated his reasons for approving of the proclamation and the address, because he thought there had been a line of conduct followed in the country, for some time back, which absolutely required the immediate attention and interference of Government. He lamented, that any discussion of the riotous proceedings at Birmingham had been brought on that night; and he did not think that either a popular or constitutional mode of opposing the address. As to the proclamation, if no cause for it had existed, it certainly

would be improper ; but when men not only associated, but avowed publicly principles and opinions, subversive of all good Government, he thought it was time for the Legislature to step in and prevent the disseminating more extensively doctrines so pernicious, that if not checked in time, might, and would annihilate the constitution. After what he had said, he believed it was needless to add, that he fully and completely freed his honourable friends, and their Association, from every motive and principle but what was honourable to themselves, and might be useful to the country ; they knew him too well to expect any unkindness or harsh construction from him.

Mr. BURDON spoke in favour of the address.

Mr. BAKER said, he agreed both to the proclamation and address ; they might do good, and he apprehended no harm from them, though he did not see the necessity for them. He recurred to what had been stated as the Minister's opinions in favour of a reform in Parliament some years ago, and could not easily reconcile the difference in opinion now. He paid many compliments to his honourable friend (Mr. Grey) who belonged to the same Association which he did, and the purposes and the object of which had his concurrence, though his sentiments might not, perhaps, carry him so great a length as other Members of it. With regard to the publications so frequently alluded to, nobody held them in greater detestation than he did, at the same time he thought contempt was what they merited most ; but as far as they were punishable, why not punish them ? Were our laws nugatory or defective ? Were the duties of our official situations neglected ? Or was there no energy in our Government ? Certainly either of those must be the case before it could be necessary to come forward with a proclamation. It was a step unusual and new. He owned there might be occasions when it would have been proper, but they had very seldom occurred, and it was worth while to consider what injuries might be done to individuals under the sanction of a proclamation, which gives such instructions to Magistrates. He wished all mention of the unfortunate riots at Birmingham to be left out of the present discussion ; and then concluded by stating his opinion to be firm and steady for a temperate reform, and he knew the public opinion was in favour of it. Doubts had been stated by some as to the time ; he had

none ; but to those who had, he would say, that if this was not the time, it may soon come when by an union of interests it will be carried into effect, without which it cannot be done, and when that happens all discontents and jealousies will be removed, and all tumults quashed.

Mr. MARTIN explained.

The Marquis of TITCHFIELD said, he did not mean to detain the House but a few minutes to give his reason for approving of the proclamation. The maintenance of tranquillity and good order in the country was certainly one of the chief blessing of the British constitution, and secured to us all the happiness we derive under it. To suppress, therefore, every attempt to disturb that tranquillity or subvert that good order was truly laudable, and, considering that to be the object of the proclamation, he would give his hearty assent to the address.

Mr. COURTENAY felt himself anxious to deliver his sentiments on the dangers that existed, and was extremely happy that he was not implicated in the guilt adverted to in the proclamation. He lamented, however, that while he was exculpated, His Majesty's Ministers had been censured. Any impartial man who was at the trouble of reading the proclamation, must be convinced that this was the case, and of course a matter worthy of great applause in the Sovereign. He said, that it was obvious the proclamation alluded to Mr. Paine, who had more than a year published his sentiments without the least notice from Administration. In consequence of this supineness, the author of the Rights of Man disseminated his nostrums; which it seemed were swallowed by the Public, and not digested by His Majesty's Ministers.

The proclamation must be pronounced to have one good effect, as it would raise in support of the constitution an army of spies, that would at all times be armed in its defence. It was a great consolation to say, that no man dare mention a rotten borough, who was not liable to be arrested by the Justices, and transmitted to His Majesty's Ministers; but how these nefarious and desperate wretches were to be disposed of after, was a question that rested entirely with Administration. He said, that on a former occasion he had the honour of supporting Mr. Pitt on the question of a parliamentary reform. He was

convinced of the right honourable gentleman's gratitude, and he was convinced that in return for such kindness he would support him this night, in voting for the amendment. This was peculiarly a circumstance of much weight, as he was aware that the accommodating disposition of Mr. Dundas, whose attention to the Minister was invariable, would induce him to be of the party. For Mr. Dundas resembled an Officer who paraded the streets of Edinburgh at night with a large cloak, vociferating at the corner of every alley—"Wha wants me."

He said, that he wished the proclamation had appeared during the Birmingham riots. The King was the head of the Church, and a King who enjoyed as much piety and as much patronage as the Pope. He thought that it would not have disgraced the morality of the Sovereign to have preached at that time morality to his flock, and to have exhorted to

"Love one another as themselves!"

Doctor Madan, he said, certainly preached the reverse of of this doctrine; but it would not be moreover disgraceful for His Majesty to dissent from the Doctor, who he supposed was now a Bishop. [A Cry of No, No.] Well, continued Mr. Courtenay, if he is not a Bishop, it is certain, from his principles, that he has been long since qualified for a Bishop, and deserves a Mitre.

If the Dissenters had been a Sycophantic tribe, he had no doubt but Ministers would have expatiated most pathetically on the recent conflagrations at Birmingham—they would have said, that the blaze had consumed the snow on Caucausus; and an Ambassador would have written word that the flames had burned the nose of the Emperor of China! Here he intreated to know, what was the cause of these persecutions; merely, he observed, metaphysical points, of which the Cannaille were totally ignorant, and contended that the fomenters of those riots were Jacobites, and acted upon Jacobite principles; yet the system of Administration had been to reward those Jacobites, while the friends to the House of Brunswick, and supporters of the Throne, were stigmatized. He mentioned Dr. Priestley as a Philosopher, and a man to whom this country and the world owed much, in terms of the highest respect and veneration; his name, which had been improperly treated in that

House, merited much reverence from the people of England. From this he came to notice those penal statutes lately discussed, which, while unrepealed, remained disgraceful to the nation.— He stated the case of the woman in the county of Nottingham, whom the clergy had imprisoned for irregular marriages; as if by enforcing those statutes, they meant to transubstantiate concubiality into fornication; even this, and many strong arguments, delivered with the greatest eloquence and force, could not persuade the House to repeal them on a former night; well did he know what a number of them would start back the moment he talked of a reform in Parliament; the moment you pretend to touch a rotten borough, you naturally alarm some of those who, perhaps, can send into that House five or six Members, with labels in their mouths, jult to pronounce aye and no as they were required: As to discussions on constitutional improvements, he thought them highly proper, and was sure that the more their elective rights were made known to the people, the better use they would make of them, as their only safeguard and greatest check against the influence of the Lords. In the political dispute between Steele and Addison, it had been made a matter of complaint, that 28 Peers had been made in the reign of George I., which it was argued would destroy the balance of power in the other branches of the constitution: What then must be the consequence of increasing their numbers, as the right honourable gentleman now at the head of Administration had done, who had created, he believed, three times as many? Objections had been made by the right honourable gentleman, and others, that this was not the time for reform; but let this be compared with the time when he brought his proposition for reform forward, and it certainly would appear a much more favourable time now than he took; at the time that he associated for reform, we were at war, and in danger from every Power round us; now we have no danger of any kind to apprehend, and are at perfect peace: in short, he considered this proclamation to be fraught with mischief, as far as it tended to spread alarms amongst the people, where none was necessary, and create doubts that were groundless and unfounded; in this view of it, he declared, that instead of being for the special causes it set forth, it proceeded from sinister purposes. The right honourable gentleman thought

it necessary to excite riots in order to preserve the peace. He might as well take for his own use cantharides to preserve his chastity. He was one of the Friends of the People, and at their next meeting he would not be surprised if the two right honourable gentlemen opposite were to offer themselves as Members; sure he was, that they had done few things lately that were so much to their credit. He would assure them, they would be well received, and the fatted calf would be killed upon the occasion. He concluded by saying, that having spoken in the conciliating manner in which he had done, he hoped it would have some weight, and induce the House to agree to the amendment of his honourable friend.

Mr. ANSTRUTHER contended for the address, and was against the amendment. He gave it as his opinion, that when Mr. Paine's first pamphlet appeared, it was not then the proper time to prosecute. When he saw that pamphlet, he had not thought there were people weak and wicked enough to propagate the principles it contained; but there were people who had been bad and bold enough to declare that they adopted the principles contained in that book, who did not seek reform merely, but were desirous of subverting the constitution itself. Had there not been societies formed, who avowed their leveling principles, and called for foreign aid, to enable them to obtain their end? When he saw such societies publicly avowing their principles, and printing their correspondence, it was impossible not to feel alarm and apprehension. Every man must naturally do so, and he rejoiced that alarm and apprehension went abroad so generally as they had done. If they thought the constitution and good government of the country, under which their ancestors and they themselves had felt the most uninterrupted happiness, in danger, was not every thing to be apprehended? And these were the reasons why he thought Ministers had done themselves honour by the proclamation. It was by that measure only that a stop could be expected to be put to the dangers that threatened us. But some gentlemen thought that the proclamation being recognized by that House, would take away the responsibility from Ministers. So far from taking away any responsibility from Ministers, it loaded them with a double degree of responsibility, inasmuch as it would render them doubly culpable, if they permitted that dan-

ger to get to any degree of height, after it had been recognized by that House. With regard to the reform of Parliament, he declared he did not deem the present the fit time to consider the propriety or impropriety of such a measure. He did not think a reform could answer any good end, or was at all necessary. The proclamation did not appear to him to point to the Association. From the description of people to whom it did point, he declared, he expected a considerable degree of danger; whereas, from the gentlemen of the Association, he expected every good: but when he saw the name of the Association used by the Manchester Society, at the very time that society acted on principles dangerous to the constitution, he was seriously alarmed. With regard to the Association, it was not, God knew, that he expected mischief from the gentlemen concerned in it, but it was because he was sure there was in the country a set of men who would impose on them; and he saw in almost every newspaper, writings of a mischievous tendency. For these reasons, he would state his determination to support and maintain the constitution as it was, at the foot of the Throne, and therefore he was extremely happy that the address was worded as it was.

Mr. DRAKE said, he had been disgusted with the buffoonery he had heard from one honourable gentleman, who had held the most unparliamentary language he ever heard; but his wounded feelings were quieted and cured, by the admirable antidotes he had just heard, in the speech of the honourable and learned gentleman, to every word of which he begged leave to subscribe; and thanks! immortal thanks! to the honourable and learned Member, for the honesty and manliness of his declarations. He gloried in the sentiments which that honourable and learned Member had expressed, and should be proud to have the honour of uniting with a man so characterised, and to join him in battle array, to overthrow the enemies of our glorious constitution. He declared, he would fight for that wonderful fabric to the last drop of his blood. He rejoiced that there were two such immortal men in the kingdom as a Cavendish and a Portland; men noble, but honourable in private life, and patriotic in public! If safety, in times of danger, could any where be expected, it was from such men. He never would join with those who endeavoured to excite disaffec-

tion to Government, without a cause or provocation. Mr. Drake concluded with declaring, that he had rather die a loyalist than live a republican.

Earl WYCOMBE said, he rose to give his reasons for the vote he meant to give against the address moved by the learned gentleman, and for the amendment of his honourable friend. He disapproved of the address, because it was calculated to give importance to those very wicked and libellous publications which it was intended to punish. He was an avowed friend to the constitution, and was happy in having an opportunity to state how sensible he was of the inestimable blessings and happiness we enjoyed under it ; but he detested the hypocrisy that seemed apparent in Ministers in bringing forward a proclamation in this unusual manner for sinister purposes, under the mask of attachment to the constitution, which was evidently the admiration of all who lived under it. He was likewise a firm friend to moderate reform, because he thought it absolutely necessary, and was none of those who thought the constitution could only be perpetuated, by perpetuating its deformities, in which light he certainly considered the rotten part of the representation of the people. That this was not a period for such a wise and moderate reform, he could not agree to, nor had he heard one solid objection offered on that point. He wished to preserve tranquillity and good order in the country as much as the noble Lord (Titchfield) behind him, but did not like the measure proposed for that purpose ; the more, because it originated with men who were against all reform.

Lord JOHN RUSSELL said, he had the honour of being a member of the Association so often alluded to, and most perfectly and cordially agreed with, and approved of, every thing they had done or written. He disapproved of the proclamation, for this strong and substantial reason, that it tended to create in the minds of the people idle doubts and jealousies, as well as groundless alarms ; and by deceiving them, might produce many bad consequences, and no one good ; for those reasons, he would support the amendment of his honourable friend.

Mr. ADAM said, that on all the numerous occasions on which he had offered his sentiments to the House, he had never found himself in a situation of greater anxiety, nor one in

which he felt it so incumbent upon him to deliver a solemn opinion. He said, he had considered the subject with the utmost attention in his power ; he had weighed every circumstance with the most deliberate care ; and the result was, that he differed from some of his friends in the conclusion he drew, from others, in the reasons which led to that conclusion. When he differed with persons with whom he was accustomed to agree, for whose integrity, understanding, and abilities he had the highest respect, it was not to be wondered that he should rise with anxiety. That anxiety was, however, somewhat diminished, by the firm persuasion, that they would hear him with favour, and judge him with candour.

He said, the opinion he had formed respecting the proclamation and address, did not result from its having any connection with the subject of parliamentary reform. But although he should not state the question of a reform in the representation of the people as a reason for the conclusion which he should draw, yet he could not help saying, that his honourable friend who had moved the amendment (Mr. Grey) had, in the view he took of the subject, introduced it with great propriety. His honourable friend had, by a most brilliant display of eloquence, and by powerful argument, added, if possible, to the reputation which he so justly enjoyed. He had at once expressed the most affectionate regard for those friends with whom he differed, and maintained, with a manly elevation of sentiment, the dignity of his own character. But although the subject of parliamentary reform made no ingredient in the reasoning which led to the conclusions which Mr. Adam said he had come to on the subject before the House, he thought it necessary to express his opinion upon it very decidedly, in case it should be supposed that he had swerved from an opinion, which he had repeatedly given, when the subject had been under discussion, by giving his vote against that measure ; and which, when it should come forward again for discussion, he should probably ask the indulgence of the House to deliver his reasons for that opinion at full length. On the present occasion, he should content himself with saying, that his opinion had been, and still remained, the same with that of a noble person, (the Earl of Guilford) with whom, Mr. Adam said, it had long been, and still was, his pride and honour to live in the strictest friendship. That he

was influenced to form this opinion, from a full consideration of the constitution of Parliament on the one hand, and the effects of that constitution, on the other. That if the whole aggregate of what constituted the freedom of Parliament, on the one hand, and the influence over Parliament, on the other, were taken into consideration, Mr. Adam said, he would pledge himself to prove, that there had been a gradual and progressive improvement in favour of the freedom of Parliament, from the revolution to the present time. That he could not, therefore, but agree with a philosophical writer of the first eminence, who was the more eminent because his philosophy was applied to the practical purposes of life. He meant Mr. Paley, who said, that the objection to the representation of the people, was an objection which appeared strongest at first sight ; and the more it was examined, the more it diminished in strength and importance. He said, that under the constitution, as it now stood, we had long enjoyed the greatest benefits which human nature was capable of enjoying ; the security of property, freedom of writing and speaking, liberty of person, and a great share of political as well as civil freedom, was extended over a larger portion of mankind, than human experience could furnish an instance of, in any former age or in any other country. That, under these blessings, there had been a rapid and perpetual increase of wealth and improvement in every thing that could render civilized life happy. That such blessings were not to be rashly endangered for an experiment, especially when it was recollected upon what it was that this experiment was to operate. It was not upon body or matter, where the experiment could be the subject of precise mathematical calculation, but upon the mind of man, which fluctuates and varies, and where the precise effect upon a change can neither be foreseen nor computed. He said, he would rather have the present constitution, with all its imperfections on its head, than hazard a change ; because, while the practical good was actually felt, the ideal defect was a mere speculation.

Having made it sufficiently clear that his opinion against a reform in the representation continued unaltered, he came next to the question immediately before the House—the approbation of the address, moved by the Master of the Rolls, or the amendment of his honourable friend (Mr. Grey). He was now to

express a difference of sentiment from other friends of his, for whom he had the most sincere affection, and to whom he was bound by every tie of friendship; he alluded particularly to Lord North, the Marquis of Titchfield, and Mr. Anstruther, who had spoken, and to others whose opinions he knew to be contrary to his. But, he said, he differed without dread, because he knew that their minds were so formed, as to render an accidental difference no ground even of temporary dislike. They knew the nature of the human mind, and the various modes by which minds differently constituted were led to different conclusions, and could make every allowance for that difference of opinion, when dictated by an honest and upright motive: they had no overbearing conceit, no dictatorial arrogance, which made them abandon their friends, because they did not command their opinions. He said, he had gravely considered the subject—had looked into the situation of the country, and into all concomitant circumstances, with all the attention in his power, and could find nothing to create alarm. He stated the situation of the country as to prosperity and happiness, and mentioned the manner in which they had been stated by Mr. Pitt, on opening his budget. He never could forget the gracious speech from the Throne, at the beginning of the session, where it had been emphatically said, that liberty was united with order. He then asked, if there was a possibility of the people of England being so dead to all sense of those blessings which were warmly and justly painted, as to wish a change—whatever some malcontents might wish. He asked, what event had happened, what strange, unheard-of calamity, or unforeseen accident, had occurred, to alter that system of prosperity and universal satisfaction, which had been so often and so recently expressed in such glowing colours? and said, it seemed to him a libel at once upon the good sense and integrity of the English nation, to suppose them anxious for innovation and confusion, at a time when their happiness was universally allowed to be so complete and perfect. Having put this in different points of view, he said there were two causes stated for the danger, and as justifying the proclamation and address.—The one was the events in France—the other, the doctrines of certain publications. As to the first, if the doctrines arising from French affairs produced alarm, that alarm was more than

destroyed by the antidote contained in the situation and condition of France. With regard to the writings, he said, he could not conceive that they could have any effect upon a people so attached, and judiciously attached, to a constitution, obtained by the glorious efforts, and cemented by the best blood, of our ancestors. He had well considered the subject of constitutional publication, and was by no means ready to say (but the contrary) that books of science upon Government, though recommending a doctrine or system different from the form of our constitution, were fit objects of persecution; if he did, he must condemn Harrington for his *Oceana*, Sir Thomas More for his *Eutopia*, and Hume for his idea of a perfect Commonwealth. But the publication of Mr. Paine was very different; it reviled what was most sacred in the constitution, destroyed every principle of subordination, and established nothing in their room. He asked, when this had been published eighteen months ago, had any notice been taken of it? Was it not in the power of the executive Government to have prosecuted it? And now that the powers of juries were soon to be confirmed, to the eternal honour of his right honourable friend (Mr. Fox) was it possible, that combining the time and mode of the publication with the matter, was it likely that twelve men, upon their oaths, judging of intention, would not find such a writer guilty? Why was it not done? Was not the person a peculiar object for prosecution—a foreigner, who must fly the moment he was prosecuted, and would never submit to an imprisonment? But now, when the doctrines were obsolete and forgotten, they were revived; and that at a time when the light of this House had been spread throughout the country, dispelling the bad effects of that publication, all descriptions of persons having agreed in reprobating his doctrines. Instead of considering the proclamation and address as a wise measure to repress, he could not help viewing it as an advertisement to revive, curiosity, about a book which had been either reprobated or forgotten.

Under these impressions, he had no difficulty in adopting the amendment of his honourable friend, in preference to the address moved by the Master of the Rolls; not that he considered the address as so objectionable as the proclamation; but the objection to the address was, that it approved of the procla-

mation, which he could not approve, because it created alarm, unnecessarily ; because there was no danger to justify the measure ; and if there was, it was not the wise, regular, constitutional, and effectual mode of repressing it. The constitution having vested the executive Government of the country with powers amply sufficient regularly to check such evils, and the executive Government were highly reprehensible, where the publications were the subject of prosecution, so long to have slept over them. Mr. Adam said, he had heard that a prosecution was commenced against Paine's book, but it was against the printer only. He asked, how it came that the author was passed by, if the printer was liable to prosecution ?

As to the amendment of his honourable friend (Mr. Grey), he supported it ; because it was highly respectful to the Throne, and affectionate to His Majesty ; and he considered it as the most pleasing and constitutional part that Parliament could take, to approach the Monarch with affection and respect. The amendment, he said, contained not a word in favour of parliamentary reform ; and therefore he could give it his unqualified approbation, which he could not have done had it touched on that subject, in the language of approbation. He said, the amendment touched upon three points, the creation of unnecessary alarm, the propriety of the proceeding by prosecution, and the little effect to be expected from the proclamation ; if, for argument's sake, it were admitted, that the proclamation were wise, how came the same persons, who now proclaimed our danger, to reject an address to inquire into the misconduct of those Magistrates, by whose remissness, in the discharge of their duty, the government of the country had been disgraced in the riots of the last summer ?

He here stated the propriety of such an inquiry ; because it was clear, from the affidavits, that there was a ground for inquiry, and that the law officers of the Crown knew that private individuals could not prosecute. The time for them was, by the lapse of two terms, lost. But the Crown could still prosecute. By not inquiring, to lay the foundation of such prosecution, what confidence could be given to their exertion in others ? They were little likely to serve the country by active exertion, who were thus negligent in that transaction. Having argued all these points with great force, fluency, and clear-

ness, he concluded with a general recapitulation, and said, that not only for the reasons he had mentioned, he should vote against the address, and for the amendment, but because the Ministers of the Crown were vested with complete and ample powers, without the aid of a proclamation and address to assist them. That it was their duty to exert those powers, when the public necessity called for it, in the ordinary course of office, and not to alarm the minds of men about the state of public tranquillity, by supposing the existence of a spirit of commotion, in direct contradiction to every apparent circumstance in the state of the country. He said, with the Ministers the duty is, and on them should rest the responsibility.

Mr. FRANCIS said, that he should think himself little worthy of a seat in that House, or of any honourable station in society, or of the place, which he hoped he held in the estimation of his friends, if, on an occasion so important, and so particularly circumstanced as he was, he were not to deliver his opinion without reserve. He should give it briefly, in plain, distinct, and manly terms. He meant to confine himself strictly to the contents of the paper on the table, and to avoid, as much as possible, travelling out of the record. Other gentlemen, he hoped, would follow the same rule; that they had no right to state any thing in argument, which they had not ventured to assert in the proclamation; much less were they at liberty, in any instance, to aver against their own record. The authors of this measure must not expect to shelter themselves under His Majesty's name. I am under your correction, Sir, when I affirm that this proclamation, like every other act of the Crown, the moment it is submitted to the consideration of Parliament, is to be treated and examined as the act of the Minister, and nothing else. This I hold to be parliamentary doctrine; at least I am sure it is parliamentary language. In an instance apparently much more the personal act of the Sovereign, in the speeches from the Throne, we assert this distinction, and canvass the subject as if the King had nothing to do with it. The constitution tells me, the King can do no wrong. I go farther, and am ready to declare my belief that the proposition is actually and personally true. If nothing were in question but a compliment to the Throne, or a declaration of duty and respect to His Majesty, I should challenge any of these gentle-

men, who are most loaded with the favours of the Crown, who, in the midst of their eternal professions of immaculate purity and rigid self denial, have contrived to engross all the emoluments; all the Power, and all the profits of Government among themselves, their relations, and immediate connections; I should challenge and defy the most forward of these disinterested persons, to express a warmer zeal and affection than I should to His Majesty's person and Government. This is not the question. The measure, which we are called upon to approve and support, is a ministerial act. The address proposed is an address of thanks and approbation to the Minister, and an engagement to support his particular Administration. Well, Sir, since he comes to this House for approbation, for thanks and for support, let us examine the merits of his conduct, and see whether he deserves it. The proclamation tells us that *divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, &c.* but it does not tell us, how long these wicked writings have been so published and dispersed. If it had, we should then have known, a little better than the Minister probably wishes we should do, what sort of gratitude is due to the care and vigilance of Government, for their *early* endeavours to prevent or put a stop to these dangerous practices; to practices, which, if you believe the proclamation, aim at nothing less than the ruin of the constitution, and the destruction of the peace, the happiness, and prosperity of the kingdom. I shall do that, which the proclamation has omitted. Many of the writings alluded to have been in public circulation these two years; some of them much longer, in the eye of Government, under the immediate inspection of the Law Officers of the Crown, and therefore, I have a right to say, with their tacit consent or acquiescence—They may call it, if they please, a base neglect of their duty. Such negligence, in such circumstances, convicts them of connivance, and, in my mind, makes them parties to the very crimes, which they now denounce for the first time, and against which they would now excite the indignation of Parliament. The particular publication most insisted on (I mean *Thomas Paine's* book) has been published and circulated with uncommon industry above a twelvemonth. In all this time, His Majesty's vigilant Ministers have suffered the poison to

spread, and the mischief to take root, without attention to their duty, without care of the public peace, or the smallest notice of these pernicious writings, which were constantly in their view, and brought before their eyes every day in the newspapers. But it seems that these wicked and seditious publications have been *disperfed and recommended* by divers other writings. How long has this been the case? We all know, for above two years at least; and that this has been done not only by individuals, but by societies and bodies of men incorporated for that express purpose, with the entire acquiescence, and, as far as silence gives consent, with the consent of Government. So much for the merit of these persons, who come to us for an address of approbation. But the whole proclamation is of a piece. The next thing they do is to assert, in the face of the nation, a gross and scandalous falsehood; not in the form of an assertion certainly; but, in fair and honourable reasoning, the direct result of the plainest and most obvious construction.—

The Magistrates are charged and commanded to make *diligent inquiry* in order to *discover* the authors and printers of these wicked and seditious writings. The assertion implied in the command, and which I affirm is a notorious falsehood, is, that these authors and printers are unknown; that they have taken care to conceal themselves, and that they can only be discovered by *a diligent inquiry*! The proposition, on the face of it, is an insult to the House. Can they point out a single publication, among all the writings which they call wicked and seditious, that does not carry in its title page the name of the author, the printer, and the publisher? Are not the resolutions of the several societies alluded to authenticated by the signature of the Chairmen of those meetings respectively? Is Mr. Paine's book an anonymous publication? Have Sir Brooke Boothby, Doctor Priestley, Mr. Rous, or Mr. Macintosh concealed their names from the Public? Who are to be the objects of this diligent inquiry? What writings do you mean? I declare I know of none, I never heard of any, of which the authors, far from shrinking from inquiry, do not come forward to face and provoke it. Since I have been acquainted with political discussions, I never knew a period, at which anonymous publications were less in use than at present, at which authors were ever so ready to put their names to their

works, and to make themselves personally responsible for what they published. It is the literary character of the time we live in, and gives the lie direct to the ridiculous supposition that a *diligent inquiry* is necessary to detect any of the persons, who can, by any possibility, be the objects of the proclamation.—The conclusion of this curious performance corresponds with all the rest of it. In the outset, if their premises be true, the King's Ministers in effect acknowledge their guilt, and pronounce their own condemnation. They then proceed to affirm a gross and palpable falsehood; and, in the end, the Office they assign to all the Magistrates of this kingdom, and the duty they exact from them is, to turn spies and informers against their neighbours, and to transmit all the *information* they can pick up to that respectable Minister, the Secretary of State.—These are the principal items, of which this monstrous composition is formed. What the general intention of it may be, I know not; but I am sure, that, if it has any effect at all on the minds of the people, it must be to excite the very tumult and disorder, which it pretends to suppress, and to raise jealousies and discontents, where none existed before. The end that may be answered, and the pretences that may be furnished by that sort of policy, require no explanation.

One word about that strange thing, that novelty unheard of, called *reform*, and I have done. My honourable friend, I know, is not to be dissuaded, much less is he to be deterred from making the attempt. The trial will be made, and then the country will see, who are, and who are not, apostates from their principles.

Mr. WINDHAM said, the pain of differing with many of those with whom he had the pleasure of concurring in general, was alleviated by the consideration that their difference was but on a single point, of means, not ends, rather of speculation than of practice. When this debate was at an end, on all other topics, to his own great happiness, and the ultimate interest of the country, they should act as cordially together as if no such difference had ever existed. Agreeably to their ideas of the subjects before the House, they were right in opposing the address, while he was equally right in approving of it. It was said that Ministers had been too late in prosecuting the writings which were complained of as seditious. Of this he

was not clear ; but sure he was that prosecutions would come with more effect after the declaration of the House, that they too thought them seditious. The happiness of the country alleged, as a sufficient security against all attempts to persuade the people that they were misgoverned and oppressed, was matter of individual feeling and observation, on which different men would entertain different sentiments ; and few there were who thought themselves as happy as they might be. Certain it was that discontents existed, and were increasing ; and consequently on this security they could not rely. It was therefore necessary to prevent the dissemination of poisonous doctrines ; to guard against those who, while they talked of appealing to reason, appealed only to the reason of the very lowest class of those whose reasoning was the offspring of their passions—seldom, indeed, of sober reflection. The danger would be more or less in proportion to the firmness maintained by the House. It was one of those which ceased to be formidable when boldly faced. They must work out the salvation of the country with fear and trembling indeed, but they must do it without shrinking. The proclamation was, in his opinion, unexceptionable. It contained nothing unusual ; it had no relation, at least in form, to the Association of which his honourable friends formed a part, although without in the most distant degree imputing unworthy motives to them, he did think that the Association increased the danger which the proclamation was meant to guard against. The demands for a reform in the representation were not of a nature to be satisfied by concession, as these gentlemen seemed to imagine. They who made the demand actually told them so. They would support perhaps the moderate reform, which was the ultimate object of the Association, and when that was obtained would they stop there ? No, they would tell the Members of the Association, “ So far you “ have gone with us, we thank you for your assistance ; the “ rest we will do without you.” The practice of the French constitution, it was said, was more powerful to deter, than the theory to invite to innovation. So it was, perhaps, for the last fortnight ; but how did they know that it would continue so ? Besides, to argue from the French constitution was arguing unfairly, and therefore weakly, for it was not to be supposed that, where such changes had been made, the country could

yet expect to be quiet. He concluded with declaring that he should support the address as seasonable, and that he thought the amendment unnecessary.

Major MAITLAND thanked the gentlemen who had spoken for not distrusting the motives of the society of which he had the honour to be a Member. But they had a better test—the test of what they had published, from which he defied any man to cull a single expression that would bear an interpretation unfavourable to their motives. But while their motives were spared, their judgement was distrusted, and they were told that they acted with persons whose future proceedings they would not have it in their power to stop. That the great increase of the national debt had been occasioned by the imperfect representation of the people was a doctrine maintained by the Chancellor of the Exchequer, at a time when there were many serious causes of discontent. He and others then associated, and petitions were presented for a reform. When the motion to that effect was rejected, and that too, in the hour of distress, what was the consequence? When persons of influence and character withdrew from the associations, the people were quiet, and the associations dissolved. They had therefore experience to shew, that those who demanded a reform, would be regulated by men of consequence and character, and that they would be satisfied with concession, since they had acquiesced even in disappointment. They who drew up the proclamation had given no definition of what they meant by the words seditious writings, nor at what they pointed. Feeling that they had apostatized from their former principles, as a man of honour he believed that it was their intention to blend the doctrine of reform with sedition, and to include both in one general odium. Submission to the laws was recommended. Had not this submission been practised? Confidence in Parliament was another branch of the sentence. In Parliament the people would always confide in proportion to the wisdom and integrity of its measures. To their want of confidence in Parliament the country owed much on a very recent occasion. When Parliament chose to confide in the Minister, the people refused to confide in Parliament, and put a stop to the intended Russian war, which the majority of Parliament thought fit to sanction. The tendency of the proclamation was to divide man

from man, and family from family. Persecution had been always preceded by a cry that the Church was in danger, and when they were called upon to say that the constitution and the liberties of the country were in danger, they ought to beware of affording a handle for a political, perhaps as dangerous as a religious persecution.

Mr. T. GRENVILLE said, the subject confined itself to two points, first, whether there did appear to the House danger and alarm; and second, if so, whether the proclamation be a fit measure to prevent the one, and quiet the other? He was satisfied that there was ground for alarm and apprehension. He declared, it was impossible for any gentleman to partake of that enthusiastic admiration for the constitution, which it was usual to profess, and which he averred, he deeply felt, without being alarmed. He reasoned on the conduct of the various societies, who had circulated extracts from Mr. Paine's pamphlet, and asked, what had been their object, but to excite discontents among the military of the country, to put an end to all discipline and order, and to make them think all punishment oppressive. With regard to the question of his honourable friend, how could they agree to a proclamation, which tended to establish a system of spies, an *Espionnage de Police*, a system so abhorrent to Englishmen? Upon reference to former proclamations, especially in the reigns of Queen Anne and George the first, he had found the present proclamation did not contain doctrines more revolting than those contained in the proclamations of former times. They were six, he said, in the reign of Queen Anne. Could it be supposed to be a violation of the constitution of this country, that because a gentleman was a Secretary of State, he was to have eyes that could pervade every part of the kingdom, and that he could see every where at once? To that question he could give no answer.— But this he could say, That it was at all times the duty of the Magistrates to do what the present proclamation directed; the identical substance of the last paragraph was in all the proclamations in the periods to which he had alluded. Dr. Sacheverel when tried, one of the articles of his impeachment was, that he had preached his sermon in defiance of Her Majesty the Queen's proclamation, against seditious writings.— He ended with declaring he should vote for the address.

Mr. ROLLE said, he approved of the proclamation, and also of the address that had been originally moved. Mr. Paine's doctrines were so extravagant, that he had imagined they would not have been attended to by any man in his senses ; but when it was found that they had imposed on large bodies of men, who had adopted his principles, it became a matter of serious alarm and apprehension. It was also to be remembered, that there were French agents at work in the kingdom, with a view to mislead the weak minded, and stir up sedition in the country. Mr. Rolle said, there had been a native of France in the country which he had the honour to represent, who was busily employed in provoking the people to make a commotion, and throw off all subordination and obedience to the existing Government. This man did not go into large towns, but went into the internal parts of the country, and said to the people, " you see how happy we are in France, we pay no taxes ; and " if you would follow our example, you would pay no taxes " likewise." As soon as the Magistrates heard of this man, search was made after him ; but the moment he heard of their pursuit of him, he fled to his own country. There had also been, as he had heard, a French Bishop at Birmingham, employed in misleading the manufacturers of that town. These things, he thought, called for the attention of Government, and he was glad to find that they had issued the proclamation then the subject of debate. Mr. Rolle remarked, that the city of London had that day unanimously voted an address to His Majesty on the subject of the proclamation.

Mr. Secretary DUNDAS began with declaring that the manner in which the address and the proclamation had been debated, and the very powerful arguments which they had heard from gentlemen on all sides of the House had afforded him the highest satisfaction, a satisfaction not a little increased from the recollection that it would prevent the necessity of his going so much at large into the subject as he otherwise should have thought it his duty to do. He would therefore confine himself merely to such topics as either had not been noticed, or to which it might be expected that something should be said on the part of the executive Government. He would begin with observing upon two questions, that had been insisted on, as grounds of accusation against His Majesty's servants, of a quite

different nature ; the one the want of attention manifested by them in not having noticed the publications of Mr. Paine ; the other, the taking notice of those publications in the proclamation, and by that means giving them an importance which they did not possess. These charges were of a quite opposite nature ; from both, however, he trusted he should be able to exculpate the executive Government, but especially from the first. It had been said in the course of the debate, that Mr. Paine's book had been published eighteen months, and he was ready to admit, that the fact was founded. He was one of those who thought that when the law of the land was offended against, the best way was to leave it to the law of the land to apply the proper remedy. But upon such publications as Mr. Paine's, gentlemen well knew, that there were differences of opinion what was the most wise and prudent way to act, whether to prosecute them seriously or not. For his part, he held it to a better measure, to let them in general die away in their own oblivion. The first pamphlet of Mr. Paine, was so wild, extravagant, and visionary, that it was rather matter of astonishment that there should exist a man capable of entertaining such opinions, and bold enough to publish them, than any thing else. Gentlemen would recollect, that it was from his last publication, that the principles had been drawn, which had been adopted by different bodies of men, and inculcated in a variety of shapes throughout the kingdom. That pamphlet, he observed, was published only in February last, and the extracts had chiefly been made and circulated in the months of March, April, and May. And he believed it was known that the printer and publisher was under a prosecution for it. An honourable gentleman, in the course of the debate, had said, he wished the author rather than the printer was made the object of the prosecution ; but how, he asked, was he to find out the author ? Though he saw in the title-page the words " Thomas Paine," he did not from thence conclude that he was the author, or know how many persons might conceal themselves under the shelter of the name of Thomas Paine. Perhaps some of the gentlemen on the other side might know who was the author, and if so, though he was not in the habits of acting with them, he would thank any gentleman if he would point him out to him, and in so doing he was persuaded they

would act a much more honourable part than that of turning spies or informers. In the mean time, however, he assured the House, that so soon as the principles of Mr. Paine's last book appeared to be adopted by the society at Manchester and by other societies, a prosecution was instituted against all those publications, and means were taken to apply to them such remedy as the laws of the land afforded. He had in his hand the resolutions of the Society at Sheffield, which he had received by the post of that day, and from reading one of the resolutions, the House would see to what an extent they carried Mr. Paine's principles. He read it accordingly, and said, that after such a resolution had been voted and given to the world, he hoped he was not to be told that there was no ground for alarm and apprehension, nor any sufficient cause for the proclamation, when great bodies of men, in large manufacturing towns, adopted and circulated doctrines so pernicious in their tendency, and so subversive of the constitution and government of the country. He, indeed, lamented the loss of unanimity on such a question, but he confessed that want of unanimity was, in a great degree, compensated by no one gentleman having stood up and countenanced the principles stated by Mr. Paine. He took notice of the several Associations and Societies, and observed, that one gentleman had said he belonged to all of them, and that he was proud of it, although he seldom frequented some which he had belonged to when he was a young man.—That honourable gentleman must, however, give him leave to tell him, that he was answerable for what those Societies did, as long as he suffered his name to remain on their books. He observed, that the honourable gentleman placed himself in rather a ridiculous predicament, by belonging to all the meetings. The New Association had no sooner been framed, than it entered into a paper war with the Constitutional Society; so that the honourable gentleman, as a member of the Constitutional Society, might write to himself as a member of the New Association, and in the latter capacity he might answer himself as a member of the Constitutional Meeting. With regard to there being any thing in the idea, that the prosecutions had been set on foot in consequence of the New Association, he did assure gentlemen that directions were given to the law officers of the Crown to prosecute the pamphlet, long before

the Association had been formed. Having said this, he desired to be allowed to speak of the proclamation itself, and he confessed it was difficult to speak to the various objections that had been made to it. But when he found that some gentlemen on the other side of the House, of high characters, great abilities, and great consideration in the country, had declared their approbation of the proclamation, and had given their opinions decidedly for the address, he did think that His Majesty's servants might have been freed from those imputations. If the honourable gentleman who moved the amendment would have given himself the trouble to have asked his friends, he would have been able to ascertain whether there was any insidious object in the intention of Government on the present occasion. The objections taken by that honourable gentleman's friends were first made when the honourable gentleman had given notice of his intention to propose a motion for the reform of the representation in Parliament, and could the honourable gentleman say, that his giving such notice proceeded from any insidious conduct on their part? He declared he felt, and almost any man must feel, that to be the happiest and most fortunate hour of his life, since it proved, however they might squabble about who was to sit at the helm of the ship, and guide the vessel, yet there was a general concurrence in keeping the vessel together, and bringing her safe into port. Since the proclamation had been issued, His Majesty's Ministers, and many respectable Members for counties, were of opinion, that they were called upon to take notice of writings tending to inflame the minds of the Public, and to incite them to destroy the first principles of the constitution; and he trusted he should be able to justify not only the motive, but the very principle itself, of the measure. With regard to the association entered into avowedly for the purpose of obtaining a parliamentary reform, if gentlemen wished to know his sentiments respecting it, he had no hesitation to declare, that, in his opinion, it could do no good whatever, but it might do much mischief. His right honourable friend had been accused of having been guilty of apostacy, and of having deserted his principles; but it was easy to prove that he had not done so. As they all knew, that at the latter end of the American war, (which was, in the beginning, the favourite of the people, though, from its ill success, by degrees

it became unpopular) the idea of a clamour first began for a parliamentary reform, and it came from such a variety of quarters, that he was one of those, who thinking it was the general opinion of the people, was a good deal staggered upon the subject. His right honourable friend was then very young; he was engaged in no party, nor pledged to any opinions. He had been extremely sanguine on the subject, and had proposed a Committee to inquire into the state of the representation of the people in Parliament, a motion which he had then strenuously opposed, because, as it contained no specific proposition, he considered it as opening a shop for every sort of grievance. On that ground he took a warm part in opposition to it, and the question was lost, though by no great majority. The next session his right honourable friend had brought forward a specific proposition, and had taken pains to guard his motion from the objections that laid against his first proposition. That motion however was lost by a much greater majority. The people notwithstanding were calm and contented, and they had heard no more of parliamentary reform from that time to the present, excepting only from a right honourable gentleman from a neighbouring country, now no more, who had brought forward a proposition on the subject, which he had opened with great ingenuity and great ability, but like the former motions it was lost. At present the question had been revived in consequence of a person's happening at a tavern meeting, in a speech made up of different irrelative subjects, to introduce the words "parliamentary reform." His right honourable friend clearly saw, that this was not the time for a wise and prudent man to agitate the question of parliamentary reform, when he knew that the minds of the people were prepared to receive every proposition that could be suggested; such was the simple state of the fact, and he thought his right honourable friend acted wisely and well by his forbearance, and he rejoiced that the Public would have to decide between his right honourable friend, and those who wish to revive the discussion of the question of parliamentary reform. The Public would decide which acted like the best citizen or the most honest man, the gentlemen of the New Association, or his right honourable friend, who by the proclamation had set up a standard to which all moderate men might flock, and thus separate from the sons of sedition

and anarchy. Mr. Dundas said, he was glad to find that the gentlemen had declared that they would desist from their purpose, the moment they discovered that the sense of the people was against them ; that this was the most prudent determination, since the worst thing that could happen to them and to the country, would be for them to persevere against the sense of the people. He concluded, with declaring his objections to the amendment, and his hope that the House would deem what he had submitted to their consideration as a satisfactory explanation of every point which he had been called upon to explain.

Mr. WHITBREAD said, it was with extreme reluctance that he rose upon the present occasion, but he assured the right honourable gentleman, that when he first saw the proclamation, that he did conceive that it was indirectly intended to be levelled at their association, nor had he yet heard any thing to make him alter that opinion. The right honourable gentleman, being one of His Majesty's Ministers, and possessing considerable abilities, had risen for the express purpose of vindicating his right honourable friend and himself ; but he confessed that he was not at all better informed as to the reasons of issuing the proclamation that laid on their table, than he was, when the right honourable gentleman first rose. The right honourable gentleman had attempted to take off some of the impression of the argument urged by his honourable friend, who with great force and ability, had proved, that the proclamation was a measure adopted with an insidious intent to break off friendship and promote disunion ; but what the right honourable gentleman had said, had failed of its purpose. With regard to the proclamation, it had been totally impossible for him to disjoin the object of it from the Association to which he had the honour to belong. He still thought it was issued for that particular reason and that had there been no Association, there would have been no proclamation. They however, as an Association, had done nothing illegal, nothing unconstitutional. As a body they had done that which individually his honourable friends and he had done ever since

he had a seat in that House; they had endeavoured to preserve the constitution by bringing about a moderate reform in respect to parliamentary representation. By gaining a parliamentary reform, they should put an end to the abuses which existed, and take away the plank on which those, who might have seditious intentions, might otherwise make a stand. He read an extract from the Duke of Richmond's letter to Mr. Sharman, and said, that such doctrines were more subversive of the constitution than any thing the new Association dreamt of. He took notice of what Mr. Rolle had said, relative to a French Envoy, and declared it was a good compliment to his own alacrity, but it did not prove that the proclamation was necessary. He referred to Mr. Chancellor Pitt's speech when he last supported a question on the subject of reform, when that right honourable gentleman had stated to the House, that they all knew that there were various rotten boroughs; that several gentlemen represented themselves; that there were others who represented noble Lords, and that even the Nabob of Arcot had Members in that House. He concluded with declaring that he should vote for his honourable friend's amendment, and repeated that he wished only for a timely and a temperate reform.

Mr. POWYS said, he certainly had a strong desire to state to the House the grounds on which he supported the address as originally moved by the honourable and learned gentleman. He mentioned the numerous publications which had existed, did still exist, and were daily published, even though a prosecution had been instituted, and said, he thought the country was called upon to declare its sentiments distinctly and clearly, and to do no more than their oath of allegiance required them to do. A spirit, he said, had gone forth which was not only dangerous, but a lying spirit, since, while they all felt the utmost happiness under the constitution as it was, it taught the people to imagine that they were unhappy and oppressed. Let him ask the gentlemen of the Association, if they did not, in some degree, countenance those principles? [A cry of No! No!]

Mr. Powys desired to explain himself. The Association stated, that their object was a parliamentary reform, which made one of the objects of those who are seditious, and wish for nothing less than to undermine and subvert the constitution. In that situation of the country, what was the duty of a good citizen? It was that which the proclamation directed. The gentlemen of the Association called upon the people to ask for that which they did not think necessary. For himself he was ready to state that the present representation of the people was, that which the country wished, and if they went farther, they would not support, but wanted to overawe the Legislature; for these reasons he should give his vote for the address.

Mr. PULTENEY approved very much of the proclamation, and the address moved by the honourable and learned gentleman over the way. Considerable alterations had been made in the constitution of late years, since the Crown had been curtailed of those powers that interfered with the rights of election. The voice of the people had great weight, and was known to be fully given through their representatives on every great occasion; which proved that the House of Commons, constituted as it was, was a fit organ to speak the voice of the people. He mentioned the election of 1784, when the people spoke their sense of the conduct of their representatives, very forcibly. He declared he would not detain the House, but should vote for the address.

Mr. LAMBTON rose to say a very few words on the question, and in the first place to take notice of Mr. Dundas's declaration, that the gentlemen of the New Association had pledged themselves to dissolve their Association, if they found the sense of the people was against their object. They had not done any such thing. They had declared, that if they found the sense of the people was against them, they must submit, and that they would use no illegal or unconstitutional powers, but would still continue to associate as a body. He still believed that the proclamation was levelled at them, notwithstanding Mr. Dundas had said, he

entertained an idea of a proclamation before the Association took place. The proclamation, he said, would be misconstrued, and the motives of the Association traduced. The right honourable gentleman, he observed, had said, that applying the word *espionnage* to the latter part of the proclamation, was putting a bad word to a good action. He was not surprised to hear that, since the other night he had heard a right honourable gentleman then in his eye, call the Bastile one of the King's fortresses. An honourable gentleman had said, look at the situation of France. He indeed lamented the calamities of that country, but he did not see how it applied to remedying abuses at home, and why it was to be held out *in terrorem*. He declared, he reprobated the idea of governing men by their fears. It was, he said, a bad system, and used in the worst of times by the worst of men; he had hoped, therefore, that it lay buried in the family vault of the Stuarts. He had received a letter from Gateshead, concerning some resolutions of a strange complexion. One of them stated, "that it is illegal and unconstitutional to agitate and discuss a parliamentary reform out of the House." This he could not see how they could make out. They had lately agitated and discussed the question of the abolition of the slave trade, and sent a petition up to the House upon the subject. He concluded with reading an extract on the subject of reform from Mr. Burke's writings.

Mr. ALDERMAN CURTIS said, he wished every honest man to give his opinion on so important a subject. He declared he should vote for the address.

Mr. MITFORD desired to call the attention of the House, to a word that had fallen from an honourable gentleman who had spoken last but one, for whom he entertained a very sincere respect. The honourable gentleman had said, that the New Association would continue to associate, even after they should find that the sense of the people was against a parliamentary reform. Mr. Mitford asked, whether the honourable gentleman was aware, that to associate for the purpose of enforcing a measure, contrary to the

express sense of the people, was not legal? He conceived, that it never could be law in any country, for any set of men to enter into a conspiracy of that sort, and associate for such a purpose.

Mr. LAMBTON said, though the honourable and learned gentleman had warned him of the danger of the ground on which he stood, yet he confessed that he had not excited his fears. He reminded the House that he had guardedly expressed himself and said, "if they found the sense of the people against them they must submit, as they would not resort to any illegal or unconstitutional measures."

Colonel MACLEOD said, when the question should next session come under consideration, he believed he should be able to state to the House the evils that existed in the representation of that part of the kingdom that he came from, where the people not only did not vote for their representatives, but in fact there was no representation at all.

The SPEAKER submitted it to the honourable Member, whether what he was saying had any connection with the question before the House?

Mr. BAKER rose to explain the nature of the Association, the object they had proposed to endeavour to effect, and the limits they had set themselves. This Mr. Baker did by reading the printed advertisement of the Association which he had signed; and declared that he had ever held language diametrically opposite to such principles as had in the course of the debate been imputed to the Association. He said, he had always reprobated such doctrines.

Mr. POWYS said a few words in explanation.

The ATTORNEY GENERAL desired the indulgence of the House while he said a few words. He began with declaring that what he had heard in the course of debate, from men of the first weight and consideration in the country, had considerably quieted the alarms and apprehension that had filled his mind when he entered the House. But what he was particularly anxious to say a few words upon was, in answer to what had been said by an honourable gentle-

man under the gallery, relative to the Magistrates alluded to in the latter part of the proclamation being converted into spies and informers. Nothing could be more erroneous than any such opinion, and he should have been extremely sorry if such an idea had obtained, as the most disagreeable burdhen was borne by those to whom they were all so much obliged, and as such a reflection or imputation might tend to slacken their endeavours to serve the Public. There was no such ignominious duty imposed on them; that part of the proclamation only reminded them of that part of their duty, which they were bound at all times to perform. As to the transfixing the names and descriptions of people to the Secretaries of State, how was it to be known who were fit objects of prosecution, unless notice be given to the officers of Government? His duty when the cases were submitted to him, was merely to say, "this will, or will not, bear a prosecution." With regard to not prosecuting the first pamphlet, reasons had been assigned why it was not thought right to prosecute that, and as a Member of Parliament he had a right to say, that he did think it gave a degree of consequence to a publication, too absurd to require an answer, to make it the object of a serious prosecution. Finding that no notice was taken of the first, a second pamphlet appeared; and in that the wild and visionary principles of the author were carried still farther, and contrary to his expectation, had made an impression on the minds of the Public. Much pains had in consequence been taken to circulate them; and even children had scraps in the form of the extracts, put into their hands. The honourable and learned gentleman over the way had asked why the author was not prosecuted. Who was the author? He saw the words "Thomas Paine," upon the title, but that, gentlemen well knew, was no legal evidence that he was the author, nor would it be received as such. They well knew, it must be evidence much more precise, that could establish the necessary and indispensable proof the fact. Thomas Paine was a common name, and it might be asked, how did they know which was the right one of the two?

With regard to the prosecution not having been sooner commenced, it had been commenced without delay. The honourable gentleman well knew, that if a misdemeanor was committed in February it could not be prosecuted till July, and this would be prosecuted in July. If a misdemeanor was committed now, it could not be prosecuted till Christmas. And this delay was the price we constantly paid for many most desirable securities to person and property. The connection of interests was such in this country, the monied interest, the landed interest, the commercial interest, that it could not be broken by a phalanx of such attempts as Mr. Paine's book; the most dangerous effect of which would have been its impression on the yeomanry and freeholders, who were a body of men of such inestimable value and importance to this country, though a body unknown to the unhappy country in our neighbourhood. The way to avert the danger that supineness and neglect might encourage and augment, would be, to come to a declaration that they would face it in a direct, immediate and manly way; upon these grounds it was, that he should vote for the address.

Mr. FOX said, that from delicacy to friends truly dear to him, he could have wished not to have been obliged to give any other than his vote upon this question; but as there was not likely to be a division, perhaps it might go forth into the country that he agreed with the sentiments of several persons on this subject, with whom it was his honour and happiness generally to act. He thought himself bound, therefore, to declare that he could not give his consent to a measure of which he totally and completely disapproved, as impolitic, unwise, and alarming. He disapproved of it; first because it was insidious and ambiguous—because it evidently had other purposes than those which it professed, and because it had all the features of that craft which belonged to the quarter from which it came. Was it directed against Mr. Paine's book, the author and publisher of which were known; if so, why desire to discover the author and publishers? If it had a direct purpose, why not directly and unequivocally state it? Why, because it was the insidious

intention to throw forth unnecessary alarm, and vague aspersions, that they might make it speak a different language to the country than that which they explained in this House. It was declared here not to be directed against the Association of the friends of the people, whatever aspect it might wear out of doors, and no measure that he ever saw had more the characteristic features of deceit and illusion than this proclamation. It might be asked—why, then, have some of his particular friends supported Ministers in the measure? He would explicitly answer the question; they were, very unhappily for the country, made the dupes of the deep and artful design which Ministers had in view. They were the dupes, from their sincere opinions that a reform in the representation was not only not called for by any necessity, but would not be a good nor a wise measure; and that the agitation of the question led to uproar and mischief. In this opinion, which they entertained zealously and honestly, they had been led to engage in this instance with men very different from themselves; as different as despotism was from liberty, and honour and openness were from craft and mystery. Indeed he stood himself in a very serious predicament; between friends on the one hand, and the other, who had all got into strange company. He had not signed the declaration upon which the friends of the people had associated, and he could not subscribe to the principles upon which others of his friends supported the measure of this proclamation. On both sides there was a meeting of disjointed associations. In the year 1782, he remembered there was a meeting at the Thatched House, when the right honourable Mr. Pitt, the Duke of Richmond, Major Cartwright and Mr. Horne Tooke, all agreed to certain resolutions of reform. Now, by a strange association, one set of his friends had got into company with the two first of these four, and another set with the two last. The Friends of the People had disclaimed the imputation upon them, that they were connected with Mr. Cartwright and Mr. Tooke's doctrines, but we had no disclaimer of the others. The right honourable gentleman and the Duke of

Richmond had thought proper to change their opinion on the subject of reform; and not merely to change their opinions, but the right honourable gentleman brings forth a proclamation, and the noble Duke is to head a camp, against it. He did not mean to say it was singular that the right honourable gentleman should change his sentiments upon any subject; he was so much in the habit of doing so upon all subjects, that one would think he had a patent for retraction, and a monopoly for change. There were few subjects upon which he had not utterly changed. Last year he had told the House, that we must have an expensive armament, because the country was in danger from the alarming attempt of Russia to obtain Oczakow. And this year, finding the country against him, he assured us we were in perfect safety, Russia having obtained the very place which made our danger. Last year he had said that we ought to repeal the penal statutes, as ignominious and disgraceful. This year, he says, they ought to be preserved for edification, and to prevent scandal.

There was a passage in the proclamation which particularly struck him. It says, "that the prosperity of the country depends on a just confidence in the integrity and wisdom of Parliament." What must his friends think of such an expression as this coming from a Ministry who had begun their career, by declaring to the country that they ought not to have confidence in the integrity and wisdom of Parliament? Did they not all recollect, that when he found the sense of that House against him, he gave His Majesty an advice, not to pay respect to the wisdom and integrity of that House, but to dissolve them, and to shew the country that they ought not to have confidence but in him personally? To give the true consistent meaning to this expression, therefore, there should be added these words: "As long as the Parliament shall act agreeably to the King's executive Government." So long and no longer were the people taught to have confidence in them—O admirable lesson to hold out to the country! O admirable doctrine to the Parliament itself! Obey, and you shall be honoured.

with the titles of integrity and wisdom.—Disobey, and you shall be dissolved, and branded with corruption and folly.

The plain intention of this proclamation was, to strive to make a division between that great body of united patriots, known by the name of the Whig interest; a party, the firm union of which he considered as of the utmost consequence, as indeed essential to the maintenance of the constitution. He knew of no plan so good, no object so desirable, as their firm union; and he was proud to say, that to divide them was impossible. They might think differently on particular subjects; but united on principles so salutary for the nation, no arts, however insidious, could prevail in dividing them. To effect this division the proclamation was intended. and not the writings of which it spoke. Those writings had been long before the public. The Associations of Manchester, and the society for constitutional information, had long been formed, and if any alarm had been entertained of them, long ago the measures ought to have been taken. But in truth they made the alarm by this proclamation, and if riots were to be provoked, they were likely to be riots on the other side; for in all the riots that had happened, the cry of Church and King was the pretence. Surely then the amendment mentioning the riots at Birmingham was proper, unless Ministers wished to take up a party, and countenance a faction. It was not, in his opinion, a republican spirit that we had to dread in this country, there was no tincture of republicanism in the country. If there was any prevailing tendency to riot, it was on the other side. It was the High Church spirit, and an indisposition to all reform, which marked more than any thing else the temper of the times, and surely if they looked back to 1780, or to the late riots at Birmingham, they would find that High Church frenzy was the cause. When had the Dissenters made a riot? What Swift had sarcastically said of the Whigs—That he would not say that all Whigs were infidels, but he was sure that all infidels were whigs. So though he could not say that all Churchmen were rioters, yet it was certain that all the late rioters had been

Churchmen, and this intolerant and persecuting spirit had been made particularly manifest in the late riot at Birmingham, where, as they might see from the admirable book of his learned friend, Dr. Parr, there were instances of want of the common feelings of honour and decency, in men with the education and rank of gentlemen. Mr. Fox concluded with a warm and feeling allusion to the friends of his political life, from whose side he would never separate, to whose opinions he had often yielded fair objects of personal ambition, but whose union he considered so essential to the public good, that though, in the prosecution of their system, they were without hope of favour from the Crown, and without thanks from the people, he knew and felt that they should have the rewards of their own consciences and hearts; rewards that, to honest minds, were ample and satisfactory.

Mr. Chancellor PITT said, that the right honourable gentleman differed from all others. He saw no necessity for any proclamation at all. He saw no danger in the seditious writings, which had for their tendency the total overthrow of the constitution, writings and doctrines which had gained ground, and of which, if he was not the advocate, he was by his language in denying their danger, the friend. He could not look into the bottom of the hearts of men, he could not reconcile this conduct with any spark of patriotism or love for the country. The right honourable gentleman just now had delivered one of the most personal and inflammatory invectives ever heard in that House. He urged the notoriety of the seditious writings that were in the hands of all men, and argued the necessity of the executive Government interfering, when they saw large bodies and societies going lengths by disseminating principles of the most dangerous tendency, principles subversive of the constitution, and destructive of the established form of Government. The New Association, however pure the motives of those Members of that House who had established it might be, having by means of their character, given it some force and weight with the Public, this circumstance would be taken

advantage of by men of no character at all, and the seditious and mischievous designs of the latter, engrafted on the plan of the New Association. He reminded the honourable gentlemen who had signed the Association, that the plan of the seditious persons to whom he alluded, was avowedly to strike at the root of monarchy, to put an end to the House of Lords, and to unhinge and new-model the constitution by changing it into a republic. He said, from the sort of argument that Mr. Fox had used, the right honourable gentleman, if not the advocate of Mr. Paine, was clearly his friend, and the friend of his doctrines.

Mr. GREY concluded on the amendment, and replied to the assertion of Mr. Pitt against Mr. Fox, that he saw no danger in these writings. How long was it ago that Mr. Pitt saw any danger? He had all along professed that there was no danger, until a society arose, the moderation of whose principles was calculated to repress and calm the violence of the seditious writings that had previously gone forth. That society was declared not to be dangerous, and yet it was this establishment that had drawn forth this paper.

The question was then put on the amendment, and negatived without a division.

The main question for the address was then put, upon which,

Mr. FOX took an opportunity to defend himself against the imputations of Mr. Pitt. He had accused him of not seeing danger in these doctrines. He avowed that he did not see danger, because he knew that the good sense and constitutional spirit of the people was a sure protection against the impolitic and absurd theories which were alluded to. And this had been uniformly the opinion of the right honourable gentleman himself, until he saw, or thought he saw, the means of stirring up division between the friends of freedom. The insinuations, that he must be actuated by motives hostile to the constitution, he would not trouble the House to reply to. The measures of his life were a sufficient answer to a charge so little becoming the right honour-

ablegentle man who made it. Let him, if he could, point out a single act that would justify the assertion.

The House then agreed to the address, and an order was made for Members with wands to deliver the address to His Majesty.

The House adjourned.

Wednesday, 30th May.

On the reading the order of the day for the second reading of the bill for the relief of Scots Episcopalians,

The SPEAKER observed, that as this bill originated in the House of Lords, and contained a clause for raising money to carry part of the purposes of the bill into effect, it appeared to him that the rights of that House were involved, for they alone ought to have the power of raising money. He therefore suggested the propriety of dismissing all farther consideration of the present bill. Leave might, on motion, be afterwards given to bring in a bill of the same nature. It was necessary that all bills by which money was to be raised should originate in that House. This suggestion was attended to and followed—the bill was dismissed accordingly.

Mr. FOX said, he had no particular objection to the present bill. In general he did not approve of bringing forward measures for the relief of one class of men, and of denying it to others. He feared that there might be some little objection to such a measure as this on an idea of partiality. He had moved for relief for others, who were as well entitled to it as the objects of the present bill. The House thought fit to refuse it. However, as he wished relief to all from the penal statutes against modes of faith, so he would not oppose it when extended to any. In that view, therefore, he could not have any particular objection to the bill.

Mr. DUNDAS explained the nature of the bill, and observed, that it had formerly passed that House, and dropped in the other. This session it had been brought forward in the Lords, but on the point of form, was now rejected in

this. He believed there was never any objection to it in either House. He therefore moved for leave to bring in a bill for the relief of pastors and other persons of the lay communion of Scotland. Leave was given accordingly—and Mr. Dundas and Sir James St. Clair Erskine were directed to prepare and bring it in.

Sir JAMES ST. CLAIR ERSKINE observed, that from the present advanced state of the session, it would be impossible to conclude the bill for regulating the mode of accounting in the Royal burghs of Scotland; and as he understood there was no objection to what he had to propose, he should move that this business be postponed for the present session. He then moved, “That the order of the day “for a Committee on the bill for regulating the mode of “accounting in the Royal burghs of Scotland, be now “read;” which being done, he moved, “That this “order be postponed until this day month;” which was agreed to.

Mr. DUNDAS said, that last night intelligence had been received from Bombay, but which he had not yet been able to peruse fully; he should use all diligence in laying it before the Public; these circumstances rendered it necessary for him to postpone the statement of the affairs of India, from Friday to Tuesday next.

The House adjourned.

Thursday, 31st May.

There being only seventeen Members present at four o'clock, no business was done.

Friday, 1st June.

By a message from the Lords the House were informed that their Lordships had agreed to the address to His Majesty on the late proclamation. That His Majesty would receive it at three o'clock to-morrow at St. James's.

The House adjourned.

Saturday, 2d June.

The House met to carry up the address to His Majesty.
The House adjourned to

Tuesday, 5th June.

Mr. SPEAKER reported that the House upon Saturday last attended His Majesty with their address, and His Majesty had been pleased to give the following answer :

Gentlemen,

I Thank you very warmly for this loyal, dutiful, and seasonable address.

My utmost endeavours shall never be wanting to maintain among my people a just sense of the advantages of our present constitution, the source of legal and well regulated freedom ; and at the same time to secure to them, by a due execution of the laws, a continuance of all the unexampled blessings which they now enjoy. It is the greatest satisfaction to me to reflect, that in these endeavours I shall receive the firm and united assistance of my Parliament, and I feel the same conviction and confidence which is expressed by you, that all our exertions for this purpose will be seconded by the zeal and public spirit of my people, whose happiness forms the first object of all my wishes.

X Mr. Secretary DUNDAS having severally moved, that the order of the day, that the House resolve itself into a Committee of the whole House, to take into consideration the various papers relative to the state of affairs in India, then on the table, be read ; that the said papers be referred to the said Committee ; and that the Speaker do then leave the chair ;

Mr. BEAUFOY took his seat at the table.

Mr. Secretary DUNDAS said, he felt the awkwardness of going into a detail of the past, and estimate of the future revenues and expences of India, at a time when we were there in a state of actual war, and when consequently, all estimates must be liable to a considerable degree of uncertainty ; but if

he were to decline giving the annual account to the House of Commons which he had been accustomed to do, he was aware that his doing so might be construed into an admission of the repeated and strong assertions, that the finances of India were ruined; or at least considered as a presumption that he himself was now afraid to touch upon them, and shrunk from the discussion. Finding his own mind perfectly at ease, and persuaded that if he should succeed in explaining the detail of figures into which he must necessarily enter, so as to be clearly understood by the Committee, he should dispel every fear that might be entertained by others, he should therefore proceed to the discharge of the duty which he had never yet reason to regret that he had undertaken.

He reminded the Committee, that by the statement of last year, after paying all charges and the interest of debt, the net surplus was 1,409,079*l.* applicable to the purchase of an investment and the reduction of debt. In what he was now to state, he must take the accounts and estimates from Bombay in general terms, because an abstract only of the several heads having been transmitted to him from that presidency, he had no data to enable him to go into an explanation of the particular articles comprehended under each of these heads. Pursuing his usual mode, he should state the revenues of the several presidencies on the usual averages; then a comparison of the last year's estimate of revenues and charges with the actual amount; and, last of all, the estimate of the revenue and charges for the present year, with such remarks and explanations as appeared to be necessary.

BENGAL.

Surplus of last year	- - -	£.1,409,079
REVENUES on an average of 3 years, from		
1787-8 to 1789 90.	- - -	5,454,206
Ditto, ditto, from 1788-9 to 1790-1	. - -	5,560,586
Revenues of 1790, estimated at	- 5,223,943	
Produced	- - -	5,522,292
Produce exceeded estimate by	- - -	298,349

CHARGES of 1790-1, estimated at 3,113,221
 Amounted to - - - 3,225,927

Amount exceeded estimate by

Deduct Excess of Charges from Excess of Revenues, and the general balance of both turned out better than estimated by — 255,643

ESTIMATE for 1791-2.

Revenues	-	-	-	5,055,640
Charges	-	-	-	3,011,637

Excess of revenues applicable to aid the other
 Presidencies - - - 2,044,003

Although the result of the comparison between the estimates and the actual produce and charges of last year, as appeared by the above account, was a considerable balance in favour of the Company, yet he did not mean to reckon on it as permanent. On examining the several articles of which the revenue consisted, he found that the mint, and some other small duties, had increased, which was easily accounted for, from the effect that the war must have upon them. The land revenue, setting aside some arrears that had come in, was nearly the same as before. The customs fell short about three lacks, which was partly owing to the abolition of the petty custom-houses, a measure by which the country, and consequently the revenue, must eventually be improved; and partly to a deficiency in the mode of collection at the two great custom-houses, perhaps in some degree to the war.

As these were only temporary causes, so must be their effects; and he by no means regretted the abolition of the small custom-houses, because they were a much greater inconvenience to the natives than a benefit to the revenue, and naturally operated as a restraint on trade. But the great difference in the produce of the revenue was in the salt, which had been estimated at 86 lacks, and produced 115. By lowering the duties in order to lower the price, he had last year stated that it would produce less than usual; but such had been the in-

crease of the quantity manufactured and sold that it had produced more, while the price to the consumer had been as low, as any man acquainted with India could have wished it to be. He did not consider this increase of revenue as permanent, for several reasons. The same quantity would not probably be manufactured another year, and the French, under a convention entered into in 1786, by which they were allowed to import into our provinces a certain quantity, had smuggled six lacks of maunds above that quantity, which being seized and confiscated increased the sales, a circumstance that was not likely to happen again. There was also an increase of about two lacks on the article of opium.

On looking to the other side of the account in detail, it would appear that on the six articles of civil charges, there had been a small saving of from 18,000*l.* to 20,000*l.* The military charges had exceeded the estimate by 56,235*l.* This was not owing to our inaccuracy in making up the estimate, but to the increase of the detachment sent after Lord Cornwallis to Madras; so that without the extra services, the charges in this respect would have been rather below the estimate. On the marine and fortifications there was a saving so considerable as deserved to be noticed. The estimate had been made on the idea of a peace establishment, and considerable buildings had been ordered; when the war commenced, it was thought advisable to suspend all these, except such as were absolutely necessary, and the saving here had gone in aid of the extra expences of the military. The expence of collecting the revenue exceeded the estimate by about seven lacks. For some time past it had been an object of serious attention to fix the amount of the assessments on the landholders, and he was happy to say, that a general settlement would soon reach India, by which every occupier of land under the Company would hold it by as firm and as regular a tenure in point of payment, as any landholder in this country. The effect of this must be to give confidence to the landholder, who knew that he was to pay a certain assessment, and no more, and stability to the land revenue, because there would always be ability to pay while the assessment was moderate, and less temptation to evade payment where there was no fear of ex-

tortion. This permanent assessment he should shew to be such, as the occupiers of land easily could afford to pay; and and as it had been for a considerable time past an object to keep the assessments as regular as possible, the Government of Bengal had taken some contingent expences of collection on themselves, which made the excess of seven lacks above the estimate. There was also a small difference between the expence on opium and the customs, and the estimate. On the whole, however, the estimates, both for the last and for several years past, came so near the truth, or where they erred, erred so generally on the favourable side, that the Committee and the public at large would see, that they were not statements made out at random, but carefully examined in all their parts; and that such a system of accounts was now established in India as this country might safely confide in.

The estimate of the revenues for the present year was 466,652*l.* less than the actual produce of the last year, on account of certain small duties intended to be abolished, and on account of the increased revenue on salt not being taken as permanent. The land revenue was, indeed, reduced so low as to be only one lack more than it had been computed the people could easily pay six or seven years ago. It was even less than they had paid for several years past, because, along with the assessment of the year, they had had arrears of former years to pay. The time, he trusted, was now fast approaching, when all the arrears of former years would be paid up. And when, in consequence of the easy and moderate assessment with which they were now charged, no farther arrears would be accruing. When he took the estimate thus low, he did not mean to admit, that it was necessary to do so; because, should the quantity of salt, manufactured and brought to sale, not fall off in any considerable degree, there would be no such defalcation in the revenue as he had computed. At all events the Committee would see, that he was not going upon any sanguine calculation, but taking every thing in his estimate in the most unfavourable point of view.

MADRAS.

REVENUES on an average of 3 years, from

1787-8 to 1789-90	—	—	£.1,265,357
Ditto from 1788-9 to 1790-1	—	—	1,440,781
Revenues for 1790-1, estimated at	1,766,376		
Produced, as far as the accounts can be made up	—	—	1,644,222

Lefts than estimated by	—	—	122,154
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CHARGES for 1790-1, estimated at 2,548,575

Amounted to, as far as ascertained 2,686,304

Exceeded estimate by	—	—	137,729
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Add deficiency of revenues to excess of charges,
and the result is more unfavourable than the estimate by

	—	—	259,883
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ESTIMATE for 1791-2.

Revenues	—	—	2,455,786
Charges	—	—	2,808,374

Excess of charges	—	—	352,588
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He remarked upon the several articles of revenue and of charge, endeavouring to point out the particular causes of defalcation in the one, and increase in the other, from which he drew a general conclusion that the causes of defalcation in the revenue were accidental and temporary, and that the actual amount of the civil and military charges corresponded with the estimate, as far as it could be made up at the time. The average of the revenue for the last three years, he observed, included part of a year's produce of the assumed revenues of the Nabob of Arcot; and as much more would be collected under that head, when a whole year was taken into the account; so the estimate of revenue for the present year, was proportionally increased. The charges of the year, if the war should continue to the end of April, were computed at Madras to amount to about two lacks of pagodas more than

the charges of last year. He enumerated various grounds of credit to this calculation ; but said, that with every degree of information and attention on the part of the Council, their calculations, while the war continued, must be liable to error, although probably not to any very important error.

BOMBAY.

From this presidency the accounts, as he had before observed, were deficient, and by no means such as ought to have been sent home. Taking them, however, on the general abstracts, they contained, converting the rupee into English money, at 16 per cent. better than sterling.

REVENUES for 1790-1, estimated at £.266,372

Produced	—	—	183,946
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Less than estimated by	—	—	82,327
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CHARGES, estimated at — 788,423

Amounted to	—	—	1,112,437
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Exceeded estimate by	—	—	324,014
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Add deficiency of revenues to excess of charges, and the result is more unfavourable than the estimate by	—	—	406,341
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As he had no detailed account of the several articles of income and expence before him, he could not see in what particulars the revenue had fallen short, or the charges exceeded. General Abercrombie, in a letter to Lord Cornwallis, dated June 19, 1791, after his return to Tellicherry, stated that he had rice and biscuit for 40,000 men for five months, over and above what was necessary for the consumption of his own army. The expence of this store of provisions had necessarily swelled the expence of last year, and the supply which it afforded would come in aid of the expences of the present.

BENCOOLEN and PRINCE of WALES's ISLAND.

Average revenue of Bencoolen from 1787-8 to

1789-90	—	—	£.3,550
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Estimated supply from Bengal last year	—	50,000
Actual supply	— — —	62,018
Estimated supply in 1791-2	—	50,000

Besides the sum estimated as the necessary supply, 12,000*l.* worth of opium had been sent from Bengal as merchandize. Of this a return would be made in course, and therefore he took the supply of this year from Bengal at the same sum as the last.

GENERAL REVIEW.

Actual Revenues of 1790-91.

Bengal	— — —	£.5,522,292
Madras	— — —	1,644,223
Bombay	— — —	183,946
Total	— — —	7,350,461

Actual Charges of 1790-91.

Bengal	— — —	3,225,928
Madras	— — —	2,686,304
Bombay	— — —	1,112,437
	— — —	7,024,669

325,792

Deduct expences of Bencoolen and Prince of
Wales's Island — —

62,018

263,774

Add sale of import goods and certificates

327,877

591,651

Deduct Interest paid at

Bengal	— — —	301,524
Madras	— — —	173,830
Bombay stated at, but no actual ac- count	— — —	112,784

588,138

Surplus — —

3,513

The whole that remained of the year's revenue and produce of sales and certificates, after paying the expences of the war and the interest of debt payable in India.

The next article to be considered was the

INDIA DEBT.

Debt April 30, 1790	_____	£.7,056,652
April 30, 1791	_____	8,150,936
		<hr/>
Increase of debt in India	_____	1,094,284
Add debt remitted by subscription to England		688,044
		<hr/>
Increase of debt, if none remitted home		1,782,328
		<hr/>
Debt in India, bearing interest April 30, 1790		5,406,936
Ditto, _____ April 30, 1791		6,325,444
		<hr/>
Increase of debt, bearing interest	_____	918,508
		<hr/>
Interest of debt, stated last year at	_____	447,106
Interest on 30th April 1791	_____	529,624
		<hr/>
Increase of interest, exclusive of diminution by the transfer of debt	_____	82,517
		<hr/>

On this general review, the Committee would see that the War and the interest of debt had exhausted within a trifle the whole revenue of India and the profits of sales and certificates, while a debt had been contracted of 1,782,328l. How, they would ask, had this debt arisen? He was ready to answer, by the purchase of investments.

Advance for investments at Bengal, Madras, and

Bombay	_____	£.950,821
Supplies to China	_____	238,470
Cash more remaining in the Treasury in April 1791 than in April 1790	_____	303,355
		<hr/>
Total		1,492,646
		<hr/>

Deducting this from the increase of debt above
stated, and the difference unaccounted for was
only

289,682

To this was to be added the silver, which on the breaking out of the war, Lord Cornwallis thought it expedient to take out of the China ships at Madras, on his own authority. This was much less than perhaps was generally supposed, being only 67,160*l.* and would increase the unexplained difference to 356,842*l.* This difference, by a reference to the finance letter sent out, after receiving the accounts and estimates last year, would appear to arise from bills drawn at Madras on Bengal, the amount of which was struck out of the accounts at Madras on drawing the bills, and these not being presented at Bengal till after the closing the annual accounts, the amount did not appear in them, but yet made part of the expence of 1790-91. The amount of these bills was 311,878*l.* and when all the circumstances were considered, and how nearly these bills brought the aggregate account to a balance, there could be no doubt but that the statement he had given of them was the true one.

Having thus accounted for the increase of the India debt, he came next to shew that the Company's affairs were not worse in the beginning of 1792 than in the beginning of 1791, by the amount of this debt. He referred to an account of India finance published by the Accountant to the Board of Control, which he affirmed, although controverted in some points by a latter publication (Mr. Tierney's) contained an extensive and accurate view of the Company's affairs—a view that was not to be obtained by considering any part of them without reference to all the rest. By that it was clearly shewn that the Company's affairs had been bettered more than a million annually for the four last years. By referring to No. 24 and No. 27 of the printed accounts, gentlemen would see that in the course of the last year, the Company's affairs at home had been improved, by paying off debt to the amount of 964,000*l.* and by an increase of money in their treasury to the amount of 541,405*l.*; so that deducting these sums arising undoubtedly from the sales of their investments, from the debts contracted to purchase those in-

vestments, the whole sum in which the Company could be said to be worse in 1792, than in 1791, was about 276,000*l*. This was in fact all that they had suffered in their finances after the war had continued for eighteen months; and as he was not disposed to dispute about trifles, the gentlemen might, if they pleased, call it half a million. Even that sum, compared with the exertions made to bring the war to a speedy conclusion, but much more with the predictions and assertions of some gentlemen last year, would appear to be of but little moment. Last year the expence of the war, over and above the revenues of India, were said to be 5, 6, and 12 millions. Surely gentlemen ought to distrust the mode of calculation they had adopted, when they found that the expences of the year had exceeded the revenues of the year only by so small a sum as he had mentioned. At least he was entitled to hope that his estimates, which facts had confirmed, would be more entitled to credit than theirs, who had been so very wide of the truth.

The surplus of revenue at Bengal he had stated

to be	—	—	£.2,044,003
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The interest of debt and supplies to Madras

and Bencoolen	—	—	932,212
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1,111,791

Leaving more than a million for the supply of Bombay, a sum greatly exceeding the largest estimate that any man would think of forming. Having thus shewn that the funds of the Company had answered in 1790-91, that they promised to be more abundant in proportion to the expence for 1791-2, and that if any additional debt was contracted, it would be for the purpose of providing an investment, by which the Company's affairs would be proportionally improved at home, he produced a variety of private letters, all corroborating his public accounts. One of these mentioned the ample supplies of money, and cattle received for the army, and added, that the presidency of Madras would have no occasion to draw on Bengal be-

fore the end of May, should the war continue so long. Another from the Pay-master General stated, that Lord Cornwallis's plan for conducting the war, was such as even experience and events did not produce a wish to alter; that he had, with infinite ability, kept his unwieldy allies together; that he had supplied his army chiefly from the enemy's country, and turned Tippoo's means of supply against himself; that such was the efficient control in all the departments, that no money was wasted; and that the expence of the war in all the presidencies, did not exceed the expence of the peace establishment by much more than 100,000*l.* a month. From all these corroborating circumstances, he had a right to expect that gentlemen would lay aside those fears and that dependency, with which they had not only impressed their own minds, but, perhaps, in some degree, communicated to the Public; and that the property of persons, who had a right to see it take its fair unbiaſſed value in the public opinion, should not be depreciated by apprehensions that had no foundation in fact.

There was as little reason for supposing that the internal situation of Bengal had suffered by the war. Within one year bullion to the amount of one million had been sent out by the Directors, which, by preventing the commerce of the country from being interrupted from a drain of specie to supply the army, contributed to its internal prosperity, and also prevented the depreciation of the Company's paper at Madras, which, instead of being at 30 per cent. discount, as in former wars, now bore a premium. There was also a larger investment than usual now coming home from Madras. The increased export of goods to China, and the quantity of money in the Treasury there, made it unnecessary to send any bullion from Bengal, in aid of the China investment; nor had the exportation of bullion added to the debt of the Company at home. Thus had they been enabled to support a war by their own proper resources, without applying to Government for aid, or calling on the proprietors for an ad-

vance, and without adding to their debts. He had said last year, that the finances of India were much more likely to come in aid of the finances of this country, than the finances of this country to be called to aid those of India. He had been asked in the beginning of the present session, If his opinion was still the same? He had answered that it was; and if now asked, should answer that his opinion was unaltered, and his hope of seeing it realized more confident than ever.

He concluded with moving his first resolution.

As soon as Mr. Dundas sat down,

Mr. FRANCIS rose, and observed, that the right honourable gentleman had said, that there had been a considerable increase in the last year's revenue on salt in Bengal, and that this had been accomplished with a considerable diminution in the price to the consumer. Of course, the consumption must have been immoderately extended. Such a fact appeared to him hardly credible; at least it was not made out to his comprehension, by a fair statement, as it ought to be, of the quantities sold, and of the prices in the last year, compared with those of the preceding year.

Mr. DUNDAS explained, that on the last sale at Madras, salt sold at 185 rupees the maund.

Sir JAMES St. CLAIR ERSKINE stated some difference in the account.

Mr. Dundas explained, and Sir James replied.

Mr. FRANCIS then rose again, and said, that, uninformed as he was, he could have nothing to oppose to the statements and accounts brought forward by the right honourable gentleman, who possessed all the means of official information, and who was answerable to the House and to the Public for the truth of his facts, and for the accuracy of the particulars he had stated. That it was very difficult to follow, and impossible to controvert so long and intricate a series of calculations; and he believed, that even to understand them properly, upon a single hearing, was as much as the attention of any man present was equal to. He should therefore take the particulars of these details for

granted, on the authority of the right honourable gentleman. That the general results and conclusions were of a nature more obvious and intelligible, as well as much more important, than a multitude of items, out of which any ingenious person, who had the command of the figures, might argue and conclude whatever he thought proper. On those he should offer a few remarks, rather as a caution to the House and to the nation, than with a view to controversy of any kind. The right honourable gentleman had talked of the flourishing state of the revenue of Bengal; he had said, that the ten years settlement of the lands was to be perpetuated; that the lands were fully able to bear the present assessment; that the landholders were perfectly satisfied; that they paid their rentals without difficulty, or ever being distressed; and that there was a certain prospect of increasing revenue and increasing prosperity in the province of Bengal. Mr. Francis said, that he certainly approved of the principle, said to be now at last adopted, of fixing and perpetuating the property of the lands in the hands of the Zemindars, who were the true owners; he had earnestly recommended this plan himself, so long ago as the year 1776, as well as many others for the better government of Bengal, by which other persons had profited, and for which he had never received either thanks or credit. *Sic vos non vobis.* As to the brilliant description given by the right honourable gentleman of the flourishing and prosperous state of Bengal, he had many doubts. He could not affirm that he had authentic accounts of the contrary, but he constantly saw, in the Bengal newspapers, advertisements of the sale of lands, seized for want of due payment of the revenue. In short, there was scarcely one paper which did not contain one or more advertisements of that kind, that had been published at Calcutta for some time past.

He said, he held in his hand two of these advertisements, which he had that morning selected out of a great number of others. The one announced a sale of seventeen villages, on the 27th of December, 1791, and the other a sale of forty-

two villages on the 30th of November, 1791. Mr. Francis considered these advertisements as undeniable proofs of the reverse of the right honourable gentleman's statement, knowing, as he did, how much a Hindoo will suffer, rather than part with the smallest portion of his landed property. That Bengal, even under the best European government, must be, from the necessary effect of its political situation, a declining country. That the ruin of distant provinces, so circumstanced, might be accelerated by abuses, or retarded by prudence and honesty in the administration of its government; but sooner or later it must happen. In support of this opinion, founded on his own observation and experience, as well as on all the general considerations that belonged to such a subject, he should content himself with appealing to the specific evidence of Lord Cornwallis, who, in a letter to the Court of Directors, dated 2d August, 1789, had given them the following material information: "I am sorry to say, that agriculture
" and internal commerce has, for many years, been gradu-
" ally declining, and that at present, excluding the class of
" Shroffs and Banians, who reside almost entirely in great
" towns, the inhabitants of these provinces were advancing
" *hastily* to a general state of poverty and wretchedness, and
" in this description, I must include almost every zemindar
" in the Company's service." In another minute, dated 18th September, 1789, Lord Cornwallis said, "I can safely
" assert, that one third of the Company's territory in Hin-
" dostan is now a jungle inhabited by wild beasts." But, if that were true, as it certainly was, it was not very likely that in the districts, bordering on jungles so inhabited, there should be any great invitation to population and improvement; and if this was the case only two or three years ago, Mr. Francis desired to be informed what favourable events, what rapid changes, had happened in the interval, which had so much improved the situation of the country and its inhabitants, as to warrant the honourable gentleman in the dazzling picture he had drawn of their happiness and prosperity. We have heard of nothing but the war with Tippoo, which had obliged Lord Cornwallis to quit the seat and center of his government, to reduce the investment, to borrow money

at 12 per cent., to drain Bengal of as much of its remaining specie as could be collected, and to carry it with him to the Myfore country for the support of the war.

The right honourable gentleman had said, that the assessment of the revenue had not been increased. It might be so; and yet it would not follow that the people could bear it in their present circumstances. He understood that the estimate was made seven years ago, and might be moderate then, but if the country had declined, and was declining, it could not bear the same assessment. The sale of lands was a proof that it could not, and they all knew what bankruptcies and ruin, and stagnation of trade had happened in Calcutta. The crops of grain had failed in the northern circars, and a famine had threatened; and even in Bengal, they were so apprehensive of a scarcity, that Government had been obliged to prohibit the exportation of grain, (almost the only considerable article of export, for which the country received a return) and to order the ships in the river to be unladen. In former times, Great Britain had received great supplies of merchandize and money from Bengal, whereas now they were come to the reverse; the tables were turned on us, and we sent specie thither, instead of receiving it from India. If that practice were to be established, and to continue as a system, Mr. Francis said, we had better give up Bengal at once. It had been acknowledged by Mr. Dundas, that, in the course of last year, the Court of Directors had sent out a million in specie to Bengal; and he desired to know, if that was to be taken as a proof of the flourishing state of the province? With regard to the war, the right honourable gentleman, Mr. Francis said, had charged gentlemen with having sacrificed to their gloomy fancies; and giving way to their desponding imaginations, had talked of the great expences and burdens it had and would occasion. He would not answer for what others might have said, but his assertion, a year ago, was, that the war could not cost less than four millions sterling, if the whole account had been made up and closed at that time, and he saw no reason to alter his opinion. Supposing it to be true, as he understood the right honourable gentleman to assert, that the whole expence of

the war, up to the date of the latest accounts, (except a little balance of 276,000l.) had been provided for, without incurring a proportionate increase of debt, (the possibility of which, though he would not dispute, he believed he should hardly admit on any human evidence) still it was obvious that, if you applied your surplus to the expences of the war, you must take it from a much better destination, from the reduction of old debts, and from the provision of an investment. To continue an old debt, which might have been paid off, was the same in effect as incurring a new one. To contract your investment, or to purchase it with money sent from England, or borrowed in India, when, without the war, you might have had a much greater, without either loan or remittance, was just as much an invasion of your resources, and an incumbrance to your finances, as if you had borrowed so much money directly and avowedly for the support of the war. The difference was only in the form of drawing up the account. The effect and substance were the same. It was a material question, Mr. Francis said, and a question to be answered; did the accounts stated by the right honourable gentleman include *all* the military charges, or did they leave great arrears unprovided for, under the head of Contracts, Grain, Cattle lost, &c., &c.? Recollecting that, year after year, the arrears of the last war made part of the annual disbursements, he declared, he should be surprised a little at hearing, that all the bullocks, &c. were paid for immediately, and if they were to be paid hereafter, the real expence of the war was kept out of sight, and left to be provided for at a future distant period. These arrears would be found to act like an unfunded debt on the territorial revenues, long after Lord Cornwallis might have quitted India. The right honourable gentleman well knew, that the outstanding claims, on account of the preceding war, had not been liquidated in less than seven years after the peace. Were they completely discharged at this day?

On one particular article he wished for an explanation, because he believed it would be found considerable in the amount. The right honourable gentleman had said, that Lord Cornwallis subsisted his army by grain got from out of

the enemy's country. He believed, Mr. Francis said, that the grain so obtained, was considered by the army as prize grain, for which they would expect to be indemnified in money. He wished to know if it was so or not ; because if it was, there would, by and by, be a considerable claim on the Company, or on Government, on that head.

Mr. Francis then said, that he could not sit down, without expressing the surprise he felt at observing that, on such a day as the present, the right honourable gentleman, in so long a speech about the affairs and situation of India, should nor have thought it proper to say one word about the actual state of the war, or to give the House the smallest light or expectations about its probable continuance, or in what way and at what period it was likely to be concluded. That gentleman had come into power upon a declared system of pacific policy, and limited dominion. But, no sooner did he find himself firmly seated, than this professed plan, with all the fine principles belonging to it, was abandoned, and the old system of war and conquest, so often reprobated and condemned, and by nobody more than himself, was completely resumed. If we were not driven by downright necessity into the present war, it must be then, what he had always thought it, a war of pure policy at the best ; but, in his opinion, of mere ambition. But, let the war be what it would in its principle or its object, we had a right to know how it actually stood, by the latest accounts ; what effects it had produced, and what we had gained or suffered by it. Had the House, he asked, any idea of the miseries suffered by the army, of which he did not doubt that Lord Cornwallis had his full share, miseries that, when they came to be known, would make the stoutest heart tremble, and yet they were, from time to time, told, that the army were always in high spirits ? Was it nothing to reflect on the sufferings of countries where the war was carried on ? As the right honourable gentleman had set him the example of reading private letters, he would, Mr. Francis said, take the liberty of reading a few lines from a letter which he had lately received from a person in India, whose situation enabled him to be well acquainted with

the facts he had stated. Mr. Francis then read the following

“ Extract of a private letter from India, dated in November,
1791.

“ The Mahratta and Nizam's forces have burnt, plundered, and devastated wherever they have marched, and it is impossible to give any probable computation of the number of unfortunate people who have already perished by this war, and its consequences; but I am confident I should not exceed the truth, if I put it at above one million of souls.”

Mr. Francis concluded with saying, that as he could not oppose contradictions to what the right honourable gentleman had stated, he must content himself with the reflection, that the right honourable gentleman was responsible not only for the truth of the detail and statements which the Committee had heard, but for all the general conclusions drawn from them. Mr. Francis declared that he had hoped to have received some assurance of the probability of peace being restored to that unhappy country; but now, at the end of two years, in which the war had been carried on with glory and success, the right honourable gentleman had left us, by his profound silence on the subject, to our own opinions and conjectures, and just as much in the dark as ever about the probable end of it.

Major SCOTT said—I look upon this day not to be appointed for a mere discussion of the accounts presented by the India Minister, but as a day on which we are to consider the past and present state of our Eastern empire; and in that view I shall trouble you with my sentiments. The House well knows, that this is the sixth year in which the right honourable gentleman has given us his India budget. The House also knows, that it is the sixth year of the impeachment of Mr. Hastings. I am addressing myself, Mr. Beaufoy, to gentlemen, to men of sense, of conscience, and of honour; but how they can reconcile it to their consciences, or to honour, to approve, as they do, year after year, of every statement delivered to them by the right ho-

nourable gentleman, and which I believe, and indeed know to be strictly true; how they can agree with him, year after year, that India is in a most flourishing state, and Bengal the best governed country in India—how they can also agree, year after year, in those representations which are annually made, in their name, in Westminster Hall, by the Managers of this House, manifestly and directly contradicting every thing that the right honourable gentleman states here; how they can hear them represent Bengal as a country desolated and destroyed; the natives suffering under the most grievous oppression: how, I say, Mr. Beaufoy, gentlemen, possessed of common feeling, can submit to such miserable contradictions, is to me indeed most astonishing. The time, however, will come, I am confident, when the House will be ashamed of such disgraceful transactions, and the concern it has had in them. Before I proceed farther, I beg to take notice of something that has fallen from an honourable gentleman (Mr. Francis) with whom I have differed on the subject of India, from the moment we both entered this House; yet, Sir, unless the India Ministers should be proved to have given false accounts to Parliament, which is impossible, I will boldly say, that so far from overrating the value of our Indian possessions, I have at all times stated them at less than they produced. But, says the honourable gentleman, “Bengal is a declining country.”—Upon my word, Mr. Beaufoy, it is with wonder, and something more than wonder, that I find the honourable gentleman still persisting in so strange an assertion, against such a mass of irresistible evidence, that proves the reverse. There is no species of proof that can be called for, which is not before us, upon this point. You have an account of the resources of Bengal for the last twenty-five years. The revenue arising from land is three millions sterling a year. Can a country be ruined, which produces, for so many years, so equal a revenue? The other resources of the Government of Bengal, as the honourable gentleman well knows, have been annually improving, from the moment Mr. Hastings arrived in Bengal. But the honourable gen-

tleman has now produced a new, and a most respectable evidence, Earl Cornwallis. That noble Lord declared, as he tells you, in September 1789, that one third of Bengal was a desert. He did so; but would it not, Mr. Beaufoy, have been candid and fair in the honourable gentleman, to have told you what his Lordship's friend, Mr. Shore, said in answer to that remark? It was, that if one third of Bengal was a desert in 1789, two thirds were in that situation twenty years before; since, in fact, Bengal had greatly increased in population and agriculture during the English Government. The very same evidence was given by Mr. Shore, on oath, in Westminster Hall. Every man of conscience since, whose brain is not turned by his prejudices, has said the same thing; the public accounts prove it; and it is folly to doubt the truth of the fact. Yet, Mr. Beaufoy, sorry and ashamed am I to confess, I blush for my country, and for this House, when I say that the honourable gentleman can quote high and commanding authority in support of his assertions, extravagant as they are. The journals of this House say also, that Bengal is a declining country, oppressed, ruined, and destroyed. But allow me to add, Sir, that for the six following years, the journals also contain the resolutions moved by the India Minister, which prove the falsehood and the folly of the articles, which are so filled with ruin and destruction.— That both should stand upon the journals, is, in my opinion, a high disgrace to the dignity of Parliament. And now, to return to the right honourable gentleman. After giving us the same flattering account this year as in former years, after stating the resources of the Bengal Government at five millions and a half, or very near it, he says that the Company's affairs have improved above one million sterling a year, for the four years from 1786 to 1790. I believe him; I entertain no doubt of the fact; and without any exaggeration, or misrepresentation, I will shew the House, how the right honourable gentleman has got that annual million of which he boasts. It arises from sources actually created by Mr. Hastings, and branded upon your

journals with every opprobrious epithet that the malignity of man can bestow upon them.

Increased rent of Benares	-	£.	170,000
Salt	-	-	600,000
Opium	-	-	140,000
Oude	-	-	200,000
<hr/>			
Total	-	-	1,110,000
<hr/>			

To avoid cavil, Sir, I have stated these resources at less than they really are. The truth is, that the total resources of Bengal, when Mr. Hastings left it, were more than two millions a year higher than when he came to it; but for what he has done, under these four heads, he is branded by disgraceful epithets upon your journals. At this very minute he is defending himself against the Benares charge, and such is the disgraceful inconsistency of the King's India Minister, that he takes each year, without a scruple, what, upon his ideas, are the wages of iniquity. He has no objection to the Public receiving the increased rent of Benares, and persecutes Mr. Hastings for having procured it. The time will come, I am confident, when such conduct must be universally reprobated. Sir, the right honourable gentleman has, as usual, given you a very copious detail of the income and expenditure of India for the past year. He knows that I always concurred with him in opinion that the expences of this war were infinitely over-stated by many gentlemen, but still I believe he will find, that when the arrears are brought in, the accounts before him will not include all the expences properly belonging to the last year. All the right honourable gentleman has said, is well calculated to raise the stock, which, I think, ought to be higher; and I am sure I wish the welfare of the Company as much as he can do; yet something he has omitted to say, is likely to depress it*. He has not given us a single word as to the probable duration of the war, or the probable ad-

* Major Scott was right; for India stock fell the next morning.

vantages likely to result, on the destruction of Tippoo's power. I will endeavour to rectify this omission, by giving the sentiments of a well-informed officer on the spot, who believes the overthrow of Tippoo to be certain, and who expresses a hope, that on the restoration of peace, we shall possess all the country between Madras and Mangalore, including as much of the table land of Mysore as takes in Seringapatam and Bangalore. I hope, and believe, Mr. Beaufoy, that such a partition will take place, and that there is no idea of peace, short of future security. But the right honourable gentleman's total silence on this subject will, I am confident, create considerable alarm. After such repeated acts of barbarity and treachery as we have experienced from Tippoo, even in the hour of his distress, what faith can be placed in him in future? The annihilation of his power is, therefore, a most important object. The right honourable gentleman takes credit for considerable sums from the Carnatic and Tanjore, both which are procured by a most flagrant and avowed breach of treaty. Sir, saying this, I wish to be understood as not meaning to cast the slightest imputation upon the characters either of Lord Cornwallis or General Meadows. Circumstances will justify in them that conduct for which the India Minister has no excuse. The India Minister, when Mr. Hastings recommended it to Lord Macartney to take the resources of Tanjore, in order to save the Carnatic, entered a resolution upon the journals of this House, declaring that such a measure would be a breach of treaty, and would tend to the ruin of the country. He afterwards orders a treaty to be concluded with the Nabob, and another with the Rajah, by which the Company are bound, under no possible circumstance, to seize either the Carnatic or Tanjore. He approves the treaties when made. General Meadows fairly and honestly declares, that the provisions in those treaties are futile and inefficient, and that in war they must have recourse to measures very different from those provided in Sir A. Campbell's treaty. When the Nabob holds up that treaty to the acting Governor, in the

General's absence, he expresses his surprise that his Highness should talk of the treaty, when he tells them the provisions of the treaty are inefficient. The countries are seized; the Nabob complains most violently to every branch of the Government of this country; but, in contradiction to every principle he has ever held, instead of ordering the country to be restored to its acknowledged sovereign, the right honourable gentleman, and another right honourable gentleman (Mr. Pitt) gave their entire approbation to the act. I own, Sir, I am very sorry that an honourable and learned gentleman (Mr. Anstruther) has given up that motion which he pledged himself to make upon this subject. I was curious, indeed, to know how the India Minister would reconcile what he has now done, with his resolutions of 1782, or with his votes upon the impeachment of Mr. Hastings. Undoubtedly, Mr. Beaufoy, I have taken much pains to sift this business thoroughly, and I have published my sentiments upon it, under the signature of "Asiaticus," not from a wish to conceal myself, I assure you. A right honourable gentleman (Mr. Pitt) has done me the honour, in former times, to pay me some very flattering compliments, for the uncommon accuracy with which I had given India details in this House. He has lately spoke of me in as contemptuous a manner as parliamentary freedom could warrant. But, Sir, the change is in him; I have not altered my sentiments nor my language; and I defy the ingenuity of man to reconcile the conduct of Ministers, who are now prosecuting Mr. Hastings, for breaches of treaty, of which you cannot find one man to complain, and for measures, the advantages of which they take without scruple, while they approve a palpable violation of faith, to the first and oldest ally of the Company, who has complained, most loudly, though vainly, of their conduct. The right honourable gentleman was so well aware of the force of this argument, that at first he denied there was any breach of treaty at all, and acknowledged that he should be barred from every plea of defence before the Public, if he were capable of approving an actual violation of faith

towards the Nabob of Arcot, and continue to prosecute Mr. Hastings for a supposed breach of treaty. Sir, I thank the House for their indulgence, and once more beg to appeal to them as men, and as gentlemen. Let them consider the situation in which they are annually put; agreeing with the right honourable gentleman that India is flourishing; agreeing with the Managers that it is ruined; agreeing with the Minister that our resources in India have been improved, and are yet improving; taking, without a scruple, every rupee that Mr. Hastings procured, yet prosecuting him for having procured them. These, Mr. Beaufoy, are a few, and but a few, of the shameful contradictions in which we are involved on the subject of India. The Public has long seen them; and I trust the time will soon come, when we shall all be heartily ashamed of them.

Mr. VANSITTART, in reply to what Mr. Francis had said, as to the mode of letting lands in Bengal for ten years, declared that the custom had obtained for upwards of thirty years in the province of Bednapore, and the province adjoining, and by the mode of selling the land in default of payment of the revenue, (which was no proof of the assessment of revenue not being moderate) the revenue was collected easily, and all sorts of punishments to enforce its collection, were rendered unnecessary.

Mr. FRANCIS said a word or two in explanation.

General SMITH said it was impossible, after what he had heard, for him not to rise. It had been said, that the state of the Bengal revenue was good; for his part he thought it too good. He had all along said, the Governor General must be his own Chancellor of the Exchequer, yet he could not have thought he would have proved so good a one.—Provision he had said from all the provinces in India, would be procured to supply the British army; the nature of the case absolutely required it, and he had no doubt but the event of the war would turn out favourably to this country. He could not bear to hear it said, that it was a war of policy. He should ever contend, that it was a war of necessity and a war of honour, and the success of it hitherto, as

well as the state of the expences of it, were, he declared, beyond his most sanguine expectations. With regard to sending our money to India, if money was required there, it must be sent; when he was a young man and served in India, it was by that means that we were enabled to preserve our possessions and carry on the former war. He reminded the Committee, that on a former occasion he had said, he wished peace never to be made between Tippoo Saib and Great Britain, till the former was extirpated; and in that declaration he was justified, because it had been clearly proved, that when Tippoo signed the treaty of Coimbatore, he immediately broke it, and instead of letting the garrison march out as was stipulated, he sent them all prisoners up the country. That last act of treachery, were there no other, ought to teach us how to deal with Tippoo, and when he reflected on the number of our gallant countrymen, who had been murdered by him, not only general officers, but subalterns, and private soldiers, and that no faith was to be held with so faithless a tyrant, he was convinced, he was more than ever fixed in his opinion, and he trusted, therefore, that we should not make peace in India, till Tippoo Saib was extirpated,

Major MAITLAND said, that money had been paid out of the revenues of 1790 and 1791, for the expences of the war, and that he could not think the annual resources, after the ordinary expences, would leave a surplus adequate to the expence of carrying it on. From his knowledge of the country in time of war, he could state that the grain for subsisting the troops was principally taken in the enemy's country, and asked whether grain so taken was not reckoned prize-money to the captors of it, for which they were afterwards to be paid, and not grain paid for at the time it was brought to the army; of course if it was so, there must be an arrear due upon that store which was not included in the right honourable gentleman's statement of the loss incurred by the war. He likewise stated, that the war contracts for bullocks, &c. were not paid at the time, nor any allowance made to the contractors, but for such as were

killed or rendered useless for service. He next made some remarks on the retreat from before Seringapatam, and the distresses attending both Lord Cornwallis and General Abercrombie's army, from all which he contended from his own experience and knowledge of that country, that the expenses of the war must greatly exceed the statement. He said the right honourable gentleman had introduced private correspondence from public men, which looked as if those in high situations from India chose to communicate agreeable intelligence to the right honourable gentleman by private letters, though they did not think themselves warranted to do it in public official dispatches, which might rather have been looked for from them. From the manner in which the right honourable gentleman sought for information, and from his present situation, it was not likely that any unpleasant accounts would be sent to him; however, that did not invalidate in the least the information which other gentlemen might receive from that country. He had always been of opinion, that our alliances with the Mahrattas was a disgrace to this country; and he had before stated his suspicions concerning them, with his information now confirmed him he was well grounded in. A circumstance had come to his knowledge since he entered the House, which might not be generally known, but which came in a letter from a person high in situation, and upon whose authority he could rely with the greatest confidence. He would only read two lines of the letter which gave an account of the treachery of the Mahrattas, and their constant endeavours to promote desertion amongst the European troops. He concluded with some general remarks on the general system of Mr. Dundas on the Government of India, and regretted that there was no probability that his honourable friend (Mr. Anstruther) could bring forward his motion this session, relative to the seizure of the Carnati from the Nabob of Arcot; a measure that he knew of no principle or argument by which it could be justified.

Mr. ANSTRUTHER said, he had been particularly alluded to by several gentlemen in the course of the debate,

on the subject of a motion which he had given notice of, but which, without any fault of his, or he believed any blame to the right honourable gentleman opposite, had been unavoidably postponed. An honourable Member (Mr. Scott) had thought it was impossible that those who voted for impeaching Mr. Hastings, could support the conduct of Lord Cornwallis and General Meadows on this point; for his part he saw no difficulty; for though he condemned the measure, yet he did not condemn the men, because from the circumstances at the time, it might have appeared to them to be a proper measure, though he thought otherwise; on the other hand, he believed in his conscience that Mr. Hastings's conduct could not be justified, because it appeared to him that Mr. Hastings proceeded upon dishonest and corrupt motives. He begged again to state, that by condemning the measure, he never meant to condemn Lord Cornwallis or General Meadows; but he ought rather to say, that the purport of his motion was to institute an inquiry into the matter, and that being granted, the House would, no doubt, act as became their wisdom.

Major SCOTT rose after Mr. Anstruther, and assured him, that he never had an idea of troubling himself about the honourable gentleman, or his sentiments; but he desired any man to reconcile the Minister's conduct to any one justifiable principle; as he had condemned in Mr. Hastings, what he had highly approved in others.

General SMITH said, that he was called up by an assertion of an honourable Member (Mr. Maitland), that the Mahrattas encouraged our soldiers to desert; he believed it might, and ought to be explained, that there were several European officers and men in the Mahratta camp, who might naturally wish to increase their number; but while the Mahrattas were our allies, this could not be called desertion.

Major MAITLAND said, the honourable gentleman was completely mistaken with regard to the fact he had stated, for it was not to the Mahratta camp, nor within thirty

miles of it, that those men deserted, but to places in the country, where they could be of no possible service to us.

Mr. JENKINSON said, that he did not mean to enter into the business of the night, what particularly called him up was, to make some observations on a custom that seemed to prevail lately with gentlemen in almost every debate. It was, that of reading letters and papers, without stating from what authority they came. He thought, whenever a letter was read, the name of the writer should be stated, because the credit which it ought to have with the House and the public, depended entirely upon the authority from whence it came.

Major MAITLAND said, if the honourable gentleman alluded to any letter or paper brought forward by him, or any of his friends on that side of the House, who were not now in their places, he must inform him that they had upon no occasion done so but when they were fully convinced that their authority was true, and their information good. With regard to giving up the name of the person who wrote the letter he had read, he had no authority to do so, and it might be imprudent; but he would freely say, that it came from an honourable and respectable character, at the same time the honourable gentleman and the House must be aware how delicate was the situation of an officer who was writing from a camp and wished in confidence to give his friend information, and yet if that was imprudently used, might be liable to very serious consequences, particularly in India, where it was well known such pains had been taken to suppress all correspondence if unfavourable, however true.

Mr. JENKINSON still maintained his proposition, but declared that he did not mean to allude to any particular person; he only spoke against the custom, as it might occasionally give a turn to a debate, and authority be opposed to argument.

Sir J. S. ERSKINE said, Mr. Dundas had set the example by reading private letters from public men. He likewise mentioned the pains taken to prevent correspon-

dence from India; and thought it was the authority of the reader of a letter in that House that was to be looked to more than the name of the writer; and the degree of credit which the House would naturally give, was in proportion to the authority it came from. As to authority prevailing over argument, that was sometimes seen in the House; but, certainly, from all that had happened lately, it was not to be dreaded from that side of the House.

Mr. JENKINSON explained, and

Mr. ANSTURUTHER said, the objection was irregular, as any gentleman might read a paper as part of his speech. He contended that the situation of an officer writing from India was peculiarly delicate, because his future hopes and promotion might depend upon the right honourable gentleman opposite.

Mr. Secretary DUNDAS rose chiefly in reply to Mr. Francis; he contended that the frequency of sales was no argument against the moderate assessment of rents, except it was argued from analogy to this country, that lands when too high rented must be sold, because the tenants cannot pay; might not landlords in that country, as well as this, be spendthrifts, and dissipate their property, so as to embezzle what ought to go to the payment of their tribute. With regard to his own responsibility, he considered himself no farther responsible than to give a fair statement from the accounts he had received. However, he did give those statements without any doubt or hesitation, because he was perfectly satisfied and convinced that they were fair and likely to fulfil all he predicted with regard to the income of India. He replied to what had been said of bullock contracts, which were now supplied by agency. He believed the article of his statement, alluded to, included all expences, and that there were no arrears to be expected; as to the price of grain, he would only say, that when Lord Cornwallis sent parties to collect grain for the troops, and invited those who had it, to sell it to him, he certainly paid for it, and it was all included in the estimate. He could not see that the letter which had been read anywise affected

his arguments, or the question before the Committee.— They were not debating whether we ought to have the Mahrattas, as allies; but surely if they were not with us, they would be against us, and there could be little doubt which was to be preferred. He adhered to all his former opinions on the conduct of Lord Cornwallis, General Meadows, and Mr. Hastings, relative to the Carnatic and Nabob of Arcot, and maintained that the two former had not taken a single rupee from him improperly or unjustly; all that was done was owing to his breaking treaty with us. When gentlemen quoted any thing, he said, he wished them to quote fairly, and with the context, and not to pick out words here and there, for the purpose of cavilling.

Major SCOTT desired one word to explain, in answer to Mr. Dundas. He said, it was absurd to repeat that we had not broke the treaty with the Nabob. Our Governors abroad allowed that we had. The right honourable gentleman says, that the Nabob was backward in his payments. Suppose he was, the treaty foresaw the event, directed what measures were to be taken in case of arrears; but instead of having recourse to those measures, we seized the whole country, in direct and avowed violation of the treaty, and the King's Ministers approved the act.

Mr. DAVID SCOTT said, he certainly should not have intruded himself on the notice of the House on that occasion, were it not that an honourable gentleman over the way (Mr. Francis) had dropped some opinions in regard to our possessions abroad being in a declining state, particularly Bengal, which, he conceived, he could throw such lights upon, as would place those opinions in a very different point of view. As a discussion, however, had taken place in regard to the propriety or impropriety of reading private letters to the House without the names of the writers, and also as to the weight of evidence due to the letters produced that night, he would first give his opinion on that subject. He could not say that he thought it would be fair to insist upon the honourable gentleman over the way (Ma-

for Majtland) giving up the author of the letter he had read, for, as he had properly remarked, it might, if the author of it was in a dependant situation in India, hurt him with his superiors. So far he agreed with the honourable gentleman over the way; but they would, he dared say, take it for granted, that it only had the credit such evidence merited with the House. His right honourable friend gave letters from gentlemen whom he named; men of the first character, and high in office abroad: the Governor and Members of the Council at Madras. The honourable gentleman on the other side, gave them letters, or in other words, the *ipse dixit* of invisibles. Of course, the influence of the honourable gentleman's letter, in the scale of evidence, would be to that of the letter from his right honourable friend, as the *ipse dixit* of an invisible being was to the most respectable authority in India. He should beg leave to answer the honourable gentleman (Mr. Francis) who had given them his gloomy ideas on the declining state of Bengal, and our other possessions. The honourable gentleman had instanced in the advertisements of old Gazettes said to come from Bengal, that at two different places, villages had been sold, because the renters could not pay their rent, which, as the honourable gentleman had said, was a proof of the country being rack rented. Such sales could be no proof; for in such an extensive country, could they suppose no extravagant possessors? Must there not be extravagant heirs there as well as here, and every where else? He said, he would however lead the honourable gentleman to a better criterion, which he would find in that House. Let him take a comparative view of the period when he was in Bengal, and the present time, and he would see that there was not one fifth of the annual defalcation of the revenue at present that was usual then. Of course, the rent was so much lighter to the farmers. As to the scarcity of specie which the honourable gentleman mentioned at Bengal, the answer was easy; silver was in such abundance at China, Bombay and Madras, that it had begun its route to Bengal.

Silver found its level like water, and by-and-by it would be overabundant at Bengal, so would travel back again.— There were points obvious to all men's minds at all acquainted with commerce, and must be perfectly so to the honourable gentleman, he was persuaded, when he chose to exercise his reflection. The honourable gentleman had quoted a minute of Lord Cornwallis in 1789, saying that near one third of Bengal was a jungle; he would go farther than Lord Cornwallis, and declare, that he recollected the day when nearly one half was in a desert state. But it had been for several years rapidly improving. When that honourable gentleman was in Bengal, there were only two English plantations commencing, that did not yield 10,000l. produce. Whereas the plantations of English subjects now yielded 250,000, in Indigo, piece goods, &c. &c. all manufactured on their own ground. At Bombay, money, he said, was at 6 per cent. per annum: at Madras at 8: a certain sign of plenty; and the Company's paper at the first place was near par, and at the latter, as had been stated, bearing a premium. Could there be stronger signs of prosperity? The papers on the table shewed the regular progressive revenue. They had unquestionable proofs of the tonnage of India being largely increased; of the exports from our ports in it being also greatly increased. In short, he would encroach on the House no longer than by remarking that if proof of an increasing revenue, an increasing commerce, an increasing agriculture, and an increasing population, were distinguishing marks of prosperity, our possessions in India had prosperity in a superlative degree. Mr. Scott concluded with declaring, that he begged pardon for keeping the House so long, but could not help sitting down with great satisfaction, at having it in his power to bear such testimony to the superior conduct of the Government abroad, and the great prosperity attending it.

Major MAITLAND still insisted that grain taken in an enemy's country was the same as prize-money. As to the Nabob of Arcot, it was true, they did not take a single

rupee from him; because by the treaty they had not left him one. The only thing he had was his civil Government, and that they now had taken.

Mr. Dundas, Mr. Maitland, General Smith, and Major Scott, said each a few words; after which the resolutions were read, agreed to, and reported to the House.

Mr. Fox said, he rose to give notice that he would tomorrow inquire, in consequence of what had already passed on the subject, what farther proceedings were likely to take place on the slave trade.

The House adjourned.

Wednesday, 5th June.

Mr. FOX moved, "That the amendment made by the Lords in the Quo Warranto bill be read," which being done,

He observed that the principal one was that which restricted the time of making the motion in the nature of Quo Warranto, calling on any person to shew by what authority he acted in any corporation to six years—the original time was eight years. The eight years appeared to him the better period (and for which he assigned several reasons), but rather than hazard the fate of the bill for this session, he should agree to the amendments; which, after a few words from the Chancellor of the Exchequer, was agreed to accordingly.

Mr. FOX, agreeable to his notice, rose with a view to draw the attention of the House to the situation in which they stood, relative to the business of the slave trade; and to inquire if there was any likelihood of proceeding farther in that business this session. The resolutions some time since adopted by the House he had understood to have been adopted for the purpose of founding bills thereon: the principal resolution was to abolish the trade in 1796; but he was free to confess, that seeing the extent of the mass of evidence which the Lords had deemed it wise to go into; there

had not appeared to him any probability, or reasonable hope that a bill for that purpose could have been carried through Parliament in the present session; but he had still wished to have seen that bill brought into the House, as it might have saved some discussion in the next session. A farther important purpose of the resolution was, he observed, to abolish the export trade of slaves to foreign possessions; and to a bill for that object, he did not see any reason to expect from the Lords, the same difficulty as might be opposed to the bill for the total abolition, since their Lordships would not have to go into examination of what was or was not likely to benefit our own islands. Another resolution went to limit the tonnage, to which no objection had been made, and the carrying that resolution into effect, he deemed a very material point, for if such a measure were not carried into effect, the discussion that had taken place would rather produce mischief than good, as it might occasion additional exertions for the temporary extension of the trade. For the objects he had mentioned, the House had resolved that a bill should be brought in, and gentlemen had been named to prepare and produce it; he meant to impute no improper motives to those gentlemen for not having brought it in, as he had every reason to believe them to be actuated by the most zealous wish to obtain the objects they had professed a desire to accomplish; but the difficulty in which the House was involved was, that after a bill had been ordered, no bill had been produced, and he saw no way of getting rid of that difficulty, but by moving the addition of names to those ordered to prepare the bill; yet that mode was ungracious, as it might imply what he by no means intended, against the gentlemen already named, whom he was convinced held the trade in equal abhorrence with himself.—Some measure, however, he thought ought to be adopted to rescue the House from the situation in which they stood: if bills were brought in and passed to the Lords, and there rejected, it would not be the fault of the Commons, and the apprehension of such rejection he did not consider a suf-

ficient excuse for that House not acting up to their conscience and their feelings. He therefore wished to ask whether two bills, one for the prohibition of the export of African negroes to foreign islands, and the second for limiting the tonnage, might not be brought in, and carried through that House in the present session?

Mr. Chancellor PITT said, he had at first felt the hope of bringing forward the bill, and leaving it open to such alterations as might be necessary from the proceedings of the other House upon the resolutions before them: but from the extensive evidence gone into by the House of Lords, he saw no prospect of success from agitating such a bill in the present session, and particularly so, as it certainly would not be regular to offer the Lords a bill founded upon resolutions, on which they were examining evidence. The Chancellor of the Exchequer said, he agreed fully with the right honourable gentleman, that a strong distinction was to be made between the resolutions, and he wished that the consent of the Lords could be obtained to bills for the limitation of the tonnage, and for the prohibition of the export to foreign plantations, but he really did not think that in either of these objects, there was much probability of success in the present session. On the contrary, he said, his opinion was, that they might tend to embarrass and defeat the general object they all had at heart. If any gentleman thought otherwise, they could bring in bills, and if they failed of success, he should lament the failure. The adding of names to those already ordered to prepare the bill, he should not in any degree consider as a reflection on those who now stood on the order; there was however another mode to be adopted, namely, the discharging the present order, and moving for the suggested bills.

Mr. FOX replied, that the conduct of another House ought not to prevent their doing what they thought they ought to do. He had no objection to move the bills, if he thought there was time in the probable duration of the session to carry them to the Lords.

Mr. ESTWICKE was of opinion, that any motion in the present session, when many gentlemen had left town, under the conviction that no measure would be proceeded on, would be unfair, as it must be taking those gentlemen who were absent, by surprise.

Captain BERKELEY said, as there was no question before that House, he begged leave to move the order of the day.

Mr. WILBERFORCE declared, he could not sit silent after the speech of the honourable gentleman who had spoke last but one. The suggested bills, if moved, certainly could not take gentlemen by surprise, as the House had resolved upon the limitation of the tonnage, and upon the prohibition of the export trade, against which resolutions he had not heard a word advanced. In reply to what had been stated by Mr. Fox, Mr. Wilberforce said, if he had thought a bill could have been brought in without prejudice to the main object, he certainly would have persisted in his intention, but his fear was that the main bill, and either of the others, would occasion too much discussion to afford any probability of their being carried through in the present session. If, however, the right honourable gentleman (Mr. Fox) should think proper to bring in a bill, it should most certainly have his warmest support; but if nothing more should be done in the present session than what had been done, he hoped the House would take up the subject very early in the next session, when the case would be materially different.

Mr. FOX said, he felt no difficulty in his way on account of the charge of taking the House by surprise; the order of the House standing for a bill, which had never yet been presented, afforded a stronger occasion for surprise on the part of those who wished for an abolition, than on that of any other description of gentlemen. He felt, he said, the greatest deference for the opinion of Mr. Wilberforce, knowing the interest (he meant in the best sense of the word) that he took in the subject, and his zeal and anxiety to obtain an

abolition of the trade; but he declared, he did not entertain so much doubt of success in carrying the bill, as he doubted of a sufficiency of time for success. It might then, he said, be asked of him, being of that opinion, why he had not earlier made his present proposition? To which he must answer; first, that he had considered it a point of delicacy, and therefore wished to leave it as long as possible in the hands of those to whom it had been well entrusted; and, secondly, that he had not until the preceding day, understood the session to be so near its close as he had then reason to believe it to be, having thought that it would have been continued at least until the evidence in defence, upon the present charge, had been closed in Westminster Hall on the trial of Mr. Hastings. Mr. Fox concluded by saying, he should consult other gentlemen on the subject, and if from them he collected any prospect of success of carrying a bill for limiting the tonnage, he would this day move for leave to bring in such a bill.

The House adjourned.

Thursday, 7th June

Mr. HOBART reported from the Committee of the whole House the following resolutions respecting the standing orders on navigation bills:

STANDING ORDERS of the HOUSE OF COMMONS, of the 7th Day of *June*, 1792, with respect to **NAVIGABLE CANALS, AQUEDUCTS,** and the **NAVIGATION** of RIVERS.

Resolved,

THAT the Standing Orders of the House, of the 28th of *January*, 1771, the 25th of *April*, 1774, the 15th of *November*, 1775, and the 20th of *July*, 1789, respecting **Navigation Bills**, be repealed.

Resolved,

That, when any application is intended to be made to the House, for leave to bring in a bill for making any cut or canal, for the purposes of navigation, or any cut, canal, or aqueduct, for the purpose of supplying any city, town, or place, with water, or for varying or altering any such cut, canal, or aqueduct, already made, or for making or improving the navigation of any river, or for altering any act of Parliament passed for any or either of those purposes, (in which bill for altering any such act it is intended to give power for raising any farther or additional rates, tolls, or duties) notice of such intended application shall be inserted three times in the *London Gazette*, in the months of *August* and *September*, or either of them, previous to the session of Parliament in which such application is intended to be made: and that such notice shall also be inserted in some one newspaper of every county through which any such cut, canal, or aqueduct, is intended to be carried, or in which such cut, canal, or aqueduct, already made, is intended to be varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated, (or, if there is not any newspaper printed in or for such counties respectively, then in the newspaper of some county near or adjoining thereto) three times at the least, in the months of *August* and *September*, or either of them, immediately preceding the session of Parliament in which such application is intended to be made: and that such notice shall also be given at the general quarter session of the peace which shall be holden for every and each county, riding, or division, through which any such cut, canal, or aqueduct, is intended to be carried, or in which such cut, canal, or aqueduct, already made, is intended to be varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated, at the *Michaelmas* preceding the session of Par-

liament in which such application is intended to be made, by affixing such notice to the door of the Session houses respectively where such General Quarter Sessions shall be holden.

Resolved,

That such several notices shall contain the names of the parishes and townships in, to, or through which any such cut, canal, or aqueduct, is intended to be carried, varied, or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated.

Resolved,

That a map or plan of such intended cut, canal, aqueduct, or navigation, and also of any intended alteration in any cut, canal, aqueduct, or navigation, already made, shall be deposited, for public inspection, at the Office of the Clerk of the Peace of every county, riding, or division, through which such cut, canal, aqueduct, or navigation, is intended to be carried, or such alteration is intended to be made, on or before the eleventh day of *November* previous to the session of Parliament in which such application is intended to be made; which map or plan shall describe the line of such intended cut, canal, aqueduct, or navigation, or of such intended alteration, and the lands through which the same is intended to be carried, together with a book of reference containing a list of the names of the owners, or reputed owners, and occupiers, of such lands respectively.

Resolved,

That, before any application is made to the House for any or either of the purposes aforesaid, a previous application shall be made to the owners, or reputed owners, and occupiers, of the lands through which any such cut, canal,

aqueduct, or navigation, is intended to be carried, or any such alteration is intended to be made; and that separate lists shall be made of the names of such owners and occupiers, distinguishing which of them, upon such application, have assented to, or dissented from, such intended cut, canal, aqueduct, or navigation, or such alteration, or are neuter in respect thereto.

Resolved,

That, whenever any petition is presented to the House for any or either of the purposes aforesaid, there shall be presented, with such petition, the lists mentioned in the last preceding resolution, and also a duplicate of the map or plan so to be deposited at the Office of the Clerk of the Peace, as aforesaid.

Resolved,

That, whenever any petition is presented to the House for making, varying, or altering, any such cut, canal, or aqueduct, as aforesaid, or making or improving the navigation of a river, there be annexed to the said petition an estimate of the proposed expence of such undertaking (in cases where provision is intended to be made for raising money to defray such expence) such estimate to be signed by the person or persons making the same: And, if such money is proposed to be raised by subscription, that there be also annexed to the said petition, an account of the money subscribed for that purpose, and the names of the subscribers, with the sums by them subscribed respectively.

Resolved,

That, whenever any petition has been presented to the House for the purposes aforesaid, or any or either of them, the Committee to whom such petition shall be referred, do

examine, in the first place, how far the orders contained in the preceding resolutions have been complied with, and do report the same, at the time when they report the matter of any such petition, as it shall appear to them, to the House.

Resolved,

That the Clerks of the Peace, or their respective deputies, do make a memorial, in writing, upon the plan and book of reference deposited with them in manner aforesaid, denoting the time at which the same was lodged in their respective offices; and do, at all seasonable hours of the day, permit any person to view and examine the same, and to make copies or extracts therefrom, such persons paying for the same the usual and accustomed fees paid to such Clerks of the Peace, for the inspection, and copying of, or making extracts from, records in their respective offices.

Resolved,

That, in all bills presented to the House for any or either of the purposes aforesaid, provision be made for compelling the persons who have subscribed towards carrying any such work into execution, to make payment of the sums severally subscribed by them; and also to oblige the commissioners or trustees to take security from their Treasurer, receiver, or collector, for the faithful execution of his office.

Ordered,

That the last nine of the said resolutions be made Standing Orders of this House.

Ordered,

That the said several resolutions be printed; and that copies thereof be sent to the Sheriffs of the several counties of

Great Britain, and also, to the Clerks of the Peace within *England* and *Wales*; and that the said Sheriffs do take care that copies of the same be published, and distributed within their respective counties.

J. HATSELL,

Cl. Dom. Com.

Friday, 8th June.

Sir CHARLES BUNBURY observed, that some time since he had moved for certain papers, which contained information relative to our colony in New South Wales, and which were now before the House. He had also given notice, that he should have a proposition to make upon that subject, but as the session was now so far advanced, he should defer it to the next session.

The House adjourned.

Monday, 11th June.

Yesterday a message was brought from the Lords to acquaint the Commons, that their Lordships will proceed farther on the trial of Warren Hastings, Esq. to-morrow, in Westminster hall.

The same messengers brought with them the Scotch Episcopalian bill, and four other bills, which their Lordships had agreed to.

The House adjourned.

Tuesday, 12th June.

A message was received from the Lords, that their Lordships would proceed farther in the trial of Warren Hastings, Esq. upon the second Tuesday in the next session of Parliament.

The House adjourned.

Wednesday, 13th June.

There not being a sufficient number of Members to form a House at 4 o'clock, no business was done.

The House adjourned.

Thursday, 14th June.

Mr. Chancellor PITT moved the reading of the petition on the table of the House, from Mr. Russell and others, of Birmingham.

The same being read accordingly, Mr. Pitt then moved, "That an humble address be presented to His Majesty, to order that an inquiry be made into the losses stated by the said petition, and to grant such compensation as His Majesty shall think just, which the House will provide for." Ordered.

The House adjourned.

Friday, 15th June.

A message from His Majesty, by Sir Francis Molyneux, Gentleman Usher of the Black Rod :

Mr. Speaker,

The King commands this honourable House to attend His Majesty, immediately, in the House of Peers.

Accordingly, Mr. Speaker, with the House, went up to attend His Majesty ; where His Majesty was pleased to give the Royal assent to several public and private bills.

After which, His Majesty was pleased to make a most gracious speech from the Throne, to both Houses of Parliament, as followeth ; viz.

My Lords, and Gentlemen,

I CANNOT close the present session of Parliament without re-

turning you my particular thanks for the attention and diligence with which you have applied yourselves to the dispatch of public business, and especially to the important objects which I recommended to your consideration.

Gentlemen of the House of Commons,

The readiness with which you have granted the necessary supplies, and the fresh proof which you have given of your constant affection for my person and family, in enabling me to provide for the establishment of my son, the Duke of York, call for My warmest acknowledgements. I have also observed, with the utmost satisfaction, the measures which you have adopted for the diminution of the public burthens, while you have, at the same time, made additional provision for the reduction of the present national debt, and established a permanent system for preventing the dangerous accumulation of debt in future.

My Lords, and Gentlemen,

I have seen with great concern the commencement of hostilities in different parts of Europe. In the present situation of affairs, it will be my principal care to maintain that harmony and good understanding, which subsists between me and the several belligerent powers, and to preserve to my people the uninterrupted blessings of peace; and the assurances which I receive from all quarters of a friendly disposition towards this country, afford me the pleasing hope of succeeding in these endeavours.

The recent expressions of your uniform and zealous attachment to the established Government and constitution, leave me no room to doubt that you will, in your several counties, be active and vigilant to maintain those sentiments in the minds of my faithful people; and I have the happiness of receiving continued and additional proofs of their just sense of the numerous and increasing advantages which they now enjoy under the protection and distinguished favour of Providence.

And afterwards, the Lord Chancellor, by His Majesty's command, said,

My Lords, and Gentlemen,

It is His Majesty's Royal will and pleasure, that this Parliament be prorogued to Thursday, the 30th day of August next, to be then here holden; and this Parliament is accordingly prorogued to Thursday, the 30th day of August next.

The following Papers were laid on the Table, for the perusal of the Members :

An Account, shewing how the Money given for the Service of the Year 1791, has been disposed of, distinguished under the several Heads, until the 8th Day of February, 1792, and the Parts remaining unsatisfied; with the Deficiency thereupon.

S E R V I C E S.			Sums voted or granted.		Sums paid.		Remains to be paid.	
N A V Y.								
For wages, and wear and tear of the Navy, and the victualing thereof for 24,000 men, including 4,500 marines, from the 1st day of January, 1791	-	1185600 0 0						
For the Ordinary of the Navy, including half pay to sea and marine officers, for the year 1791	-	689395 13 4						
Towards the buildings, re-buildings, and repairs of the ships of-war in His Majesty's yards, and other extra works, over and above what are proposed to be done upon the heads of Wear and Tear, and Ordinary, for the year 1791	-	506010 0 0						
Towards defraying the expences occasioned by the augmentation and equipment of His Majesty's naval forces on the late armament	-	1565000 0 0	£.	s. d.	£.	s. d.	£.	s. d.
			3946005	13 4	3460643	6 6½	485362	6 9½
For cleansing and securing the harbour of Catwater and Sutton Pool, near Plymouth, in the county of Devon	-	-	2000	0 0	2000	0 0		

O R D N A N C E.

For Ordnance land service	—	—	381769	18	3
For Ordnance sea service	—	—	62400	0	0
For defraying the expences of services performed by the Office of Ordnance for land service, previous to the 31st of December, 1783, and not provided for by Parliament	—	—	3857	5	1
For defraying the expence of services performed by the Office of Ordnance for land service, and not provided for by Parliament, in 1789	—	—	30613	19	1
For defraying the expence of services performed by the Office of Ordnance for sea service, and not provided for by Parliament, in 1789	—	—	25278	12	0
For defraying the expence of services performed by the Office of Ordnance for land service, and not provided for by Parliament, in 1790	—	—	2159	4	5
Towards defraying the expence incurred by the Office of His Majesty's Ordnance, on account of the late armament	—	—	151000	0	0
			657078	18	10
			500000	0	0
			157078	18	10

F O R C E S, &c.

For defraying the charge of 17,013 effective men for guards, garrisons, and other His Majesty's land forces, in Great Britain, Jersey, and Guernsey, including the charge of the pay of commission and non-commissioned officers and private men, the charge of cloathing non-commissioned

	£.	s.	d.	Sums voted or granted.	Sums paid.	Remains to be paid.
—	570	499	11	2½		
—	329	544	10	0		
—	848	7	10	7		
—	114	35	12	10½		
—	64	500	0	0		
—	155	1	14	5½		

officers and private men, the charge of agency, and the charge of allowances to be made to Captains, Paymasters, Surgeons, Riding-masters, and for Serjeants, for the year 1791

For maintaining His Majesty's forces and garrisons in the Plantations, those in garrison at Gibraltar, and a corps of foot in New South Wales, including the pay of commissioned officers, non-commissioned officers, and private men, the charge of cloathing the con-commissioned officers and private men, the charge of agency, and the charge of allowances to be made to Captains, Paymasters, Surgeons, and Serjeants, for the year 1791

For defraying the difference between the charge of the British and Irish establishments of seven battalions of foot serving in North America and the West Indies for 365 Days from the 25th of December 1790 to the 24th of December 1791, both days inclusive

For the pay necessary to be advanced to one regiment of light dragoons, and nine battalions of foot, for service in East India, for the year 1791

Towards defraying the charge of recruiting His Majesty's land forces, and of the contingencies of the said forces, for the year 1791

For defraying the charge of full pay to supernumerary officers of His Majesty's land forces, for the year 1791

For the pay of the General and General Staff Officers in Great Britain, for the year 1791	6400	8	0
For the allowances to the Paymaster General of the Forces, to the Secretary at War, to the Commissary General of the Musters, to the Judge Advocate General, to the comptrollers of the accounts of the army, their deputies and clerks, including the contingent expences of their respective offices for the Exchequer fees to be paid by the Paymaster General and on account of poundage to be returned to the infantry of the forces for the year 1791	63276	5	8
For the reduced officers of His Majesty's land forces and marines for the year 1791	155287	5	5
For the reduced officers of the late independent companies of foot for the year 1791	10000	0	0
For defraying the charge of allowances to the several officers and private gentlemen of the 2 troops of horse guards reduced and to the superannuated gentlemen of the 4 troops of horse guards for the year 1791	212	14	7
For the reduced officers of His Majesty's British American forces for the year 1791	55092	10	0
For defraying the charge of allowances to several reduced officers of His Majesty's British American forces for the year 1791	4907	10	0
For the several officers late in the service of the States General, for the year 1791	3161	10	10
For defraying the charge of pensions to be paid to the wi-			

	£.	s.	d.	Sums voted or granted.	Sums paid.	Remains to be paid.
dows of commissioned officers, and expenses attending the same, for the year 1791 — — —	9710	4	3			
For defraying the charge of the in and out-pensioners of Chelsea Hospital, and of the expenses of the said Hospital, for the year 1791. — — —	174167	4	3½			
For defraying the charge of the augmentation of the corps of foot serving in New South Wales, from the 24th of February, 1799, to the 24th of December following	2754	5	8½			
For defraying the charge of subsidy which will be due to the Landgrave of Hesse Cassel, for the year 1791, pursuant to treaty — — —	36093	15	0			
For defraying the extraordinary expenses of His Majesty's land forces, and other services, incurred from the 25th of December, 1789, to the 24th of December, 1790, and not provided for by Parliament — — —	335134	18	0			
Towards defraying the charges incurred by the late armament, as far as the same can be made up at the War Office 64000 0 0						
Towards defraying the expense of provisions purchased for the use of the troops in the East and West Indies, in consequence of the late armament — — —	41000	0	0			
For defraying the charge of the civil establishment of the province of Nova Scotia, from the 1st of January, 1791, to the 1st of January, 1792 —				1961326 10 10½	1542803 8 3	18523 2 7
				6376 17 6	6376 17 6	—

For defraying the charge of the civil establishment of the province of New Brunswick, in America, from the 24th of June, 1791, to 24th June, 1792	4400	0	0	4400	0	0	—
For defraying the charge of the civil establishment of the island of St. John, in America, from the 1st of January, 1791, to the 1st of January, 1792	1840	0	0	1840	0	0	—
For defraying the charge of the civil establishment of the island of Cape Breton, in America, from the 24th of June, 1791, to 24th June, 1792	2100	0	0	500	0	0	1600 0 0
For defraying the charge of the salaries of the Governor and civil officers in the island of Newfoundland, from the 1st of April, 1791, to the 1st of April, 1792	1182	10	0	1182	10	0	—
For defraying the charge of the civil establishment of the Bahama islands, in addition to the salaries now paid to the public officers out of the duty fund, and other incidental charges attending the same, from the 1st of January, 1791, to the 1st of January, 1792	4180	0	0	2166	0	0	2014 0 0
For defraying the charge of the salary to the Chief Justice of the Bermuda, or Somers islands, from the 24th of June, 1791, to the 24th of June, 1792	580	0	0	—	—	—	580 0 0
For defraying the charge of the salary to the Chief Justice of the island of Dominica, from the 1st of January, 1791, to the 1st of January, 1792	600	0	0	—	—	—	600 0 0
For defraying the charge of the civil establishment of New South Wales, from the 10th of October, 1791, to the 10th of October, 1792	4758	6	3	4758	6	3	—
For repairing, maintaining, and supporting the British forts and settlements on the coasts of Africa	13000	0	0	13000	0	0	—
For the expenses of the new roads of communication, and building bridges in the Highlands of North Britain, in the year 1791	5911	4	3	5911	4	3	—

Sums voted or granted.		Sums paid.		Remains to be paid.	
£.	s. d.	£.	s. d.	£.	s. d.
25000	0 0	10000	0 0	15000	0 0
1565	0 3	1565	0 3		
12016	18 7½	12016	18 7½		
2018	19 2	2018	19 2		
1546	7 10	1546	7 10		
34210	5 0	34210	5 0		
6762	19 0	6762	19 0		
3500	0 0	3500	0 0		
67948	12 10	67948	12 10		

For carrying on and completing the buildings at Somerset House

For defraying the extraordinary expences attending the prosecution of offenders against the laws relating to the coin

For defraying the extraordinary expences of His Majesty's mint in the year 1790

To the representatives of Gabriel Johnston, formerly Governor of North Carolina, being an arrear of salary due to him as Governor of that province

To enable His Majesty to discharge the annuity granted to his late Royal Highness the Duke of Cumberland from the time it was last paid, to the day of his death

To make good the like sum which has been issued out of His Majesty's civil list revenue to his Royal Highness the Duke of Clarence

To make good the like sum which has been issued out of His Majesty's civil list revenues to make good a claim of the sons of the late Bey of Algiers

To discharge a debt for a stone mason's work, which was omitted to be inserted in the statement of the debts of his Royal Highness the Prince of Wales, previous to the 21st of May 1787

To make good the like sum, which has been issued by His Majesty's orders in pursuance of addresses

To make good to His Majesty the like sum, which has been issued in conse-

quence of the expences incurred in carrying on the prosecution against Warren Hastings, Esq.	14153	3	9	14153	3	9
To make good to His Majesty the like sum issued to Thomas Cotton, Esq. for defraying the expence of allowances for the relief and benefit of American civil officers, and others, who have suffered on account of their attachment to His Majesty's Government	31000	0	0	31000	0	0
To make good to His Majesty the like sum issued to Thomas Cotton, Esq. to pay the fees at the Exchequer on 49,561. 17s. 6d. issued as a compensation to the several persons who were proprietors of lands in the province of Georgia, which by virtue of the treaty of peace, were ceded to the united States of America	1271	17	0	1271	17	0
To make good to His Majesty the like sum, issued to Thomas Cotton, Esq. to pay bills of exchange, and other purposes, by direction of the commissioners of the treasury	775	18	8½	775	18	8½
To make good to His Majesty the like sum, issued to Alexander Davison, Esq. to reimburse the charge of purchasing 500 casks of hemp seed, consigned to Lord Dorechester for the use of His Majesty's subjects in Canada	776	16	6	776	16	6
To make good to His Majesty the like sum, issued to John Wigglesworth, Esq. to pay arrears of contingencies due to sundry persons from the office for auditing the public accounts, to the 25th March, 1791	4237	4	1	4237	4	1
To make good to His Majesty the like sum, which has been issued for defraying the expence of sending provisions, and sundry articles, to the settlements in New South Wales	29613	1	8	29613	1	8
To make good to His Majesty the like sum, which has been issued to Duncan Campbell, Esq. for the expence of confining, maintaining, and employing convicts on the river Thames	41716	10	7	41716	10	7

Sums voted or granted.	Sums paid.		Remains to be paid.	
	£.	s. d.	£.	s. d.
10849 1 6	10849	1 6		
500 0 0	500	0 0		
4000 0 0	4000	0 0		
3600 0 0	3600	0 0		
23440 0 0	23440	0 0		
4800 0 0	4800	0 0		
274956 13 11	274956	13 11		
218475 7 12	218475	7 12		

To make good to His Majesty the like sum, which has been issued to the representatives of Henry Bradley, Esq. for the expence of maintaining and guarding convicts in the harbour of Hamoaze, at Plymouth

To make good to His Majesty the like sum, which has been issued to the Secretary to the Commissioners for regulating the shipping, and carrying slaves in British ships from the coast of Africa

To make good to His Majesty the like sum, which has been issued to the commissioners to inquire into the state and condition of the woods, forests, and land revenues belonging to the Crown

To make good to His Majesty the like sum, which has been issued to the Secretary to the commissioners appointed to inquire into the losses of the American Loyalists

To make compensation to the commissioners appointed to inquire into the losses of the American Loyalists, and the clerks employed by them, voted 24,000*l.* but satisfied with

To make compensation to the commissioners appointed to inquire into the rights of the persons who have suffered in consequence of the cession of East Florida to the King of Spain, and the officers and clerks employed by them, voted 5,100*l.* but satisfied with

To make good the deficiency of the malt duty, granted for the service of the year 1789, at Lady Day 1791

To make good the deficiency of the land tax granted for the year 1789, at Michaelmas 1791

To make good the deficiency of the grants for the service of the year 1790

To pay off and discharge the principal sum of 3,500,000*l.* in Exchequer bills, made out by virtue of another act 30 George III. and charged upon the first aids to be granted in Parliament for the service of the year 1791, together with the interest and charges attending the same

To pay off and discharge the principal sum of 2,000,000*l.* in Exchequer bills, made out by virtue of one other act 30 George III. and charged further upon the first aids to be granted in Parliament for the service of the year 1791, together with the interest and charges attending the same

To pay off and discharge the principal sum of 1,000,000*l.* in Exchequer bills, made out by virtue of an act 30 George III. for the uses and purposes therein mentioned, and charged upon the first aids to be granted in the next session of Parliament, together with the interests and charges attending the same

For payment of such part of the principal and interest thereon, to the 10th of October, 1791, on all orders made out pursuant to an act 28 George III. for giving relief to such persons as have suffered in their rights and properties during the late unhappy dissensions in America, and for making compensation to such persons as have suffered by the cession of East Florida to the King of Spain

For payment of such part of the principal and interest thereon, to the 10th of October, 1791, on all orders made out pursuant to an act 30 George III. for giving relief to such persons as have suffered in their rights and properties during the late unhappy dissensions in America, and for making compensation to such persons as have suffered by the cession of East Florida to the King of Spain

27728	3	1	2	7728	3	1
3616295	5	5	1	3616295	5	5
2066818	6	8		2066818	6	8
1029425	4	2		1029425	4	2
231533	8	7	1	228238	11	7
92590	17	6		86079	14	2
				6511	3	3

Sums voted or granted.	Sums paid.	Remains to be paid.
£. s. d.	£. s. d.	£. s. d.
1180 16 0	1180 16 0	
860 15 3½	860 15 3½	
123260 19 3	123260 19 3	
1399 7 0	654 19 0	744 8 0
500000 0 0	—	500000 0 0
1441 9 5	—	1441 9 5
12000 0 0	1500 0 0	10500 0 0
15314599 11 1	14111349 5 3	1203250 5 10

For rewards to the officers of the Exchequer for paying the said orders of the 28 and 29, George III.

To the usher of the Exchequer, for necessaries furnished the said offices for paying the said orders

To the chief cashier of the Governor and Company of the Bank of England, for the deficiency on which the Bank loan, in consequence of unclaimed dividends, is founded by an act 31 George III.

To John Farhill, Esq. Secretary to the commissioners for the reduction of the national debt, for salaries of the officers, and incidental expenses of the said commission

To the Governor and Company of the Bank of England, to be by them distributed, and paid to, and amongst the proprietors of the several fortunate tickets in the lottery, established by an act 31 George III.

To the said Governor and Company, in reward for receiving the contributions, and paying the prizes in the said lottery, and for discount on prompt payments

For the charges and expenses attending the preparing and drawing the said lottery, and for taking in tickets, and delivering out certificates in lieu thereof

Towards satisfying the Services,
There remains in the Exchequer of the consolidated fund
Of lottery contributions
To be raised by Exchequer bills on credit of the malt duty

Deficiency of ways and means to answer the services

Memorandum,

The arrears of former supplies remaining unpaid, for which money is provided, are as follow, viz.

For the late African Company's creditors

For Georgia bills residue of 15,496l. 19s. 1 $\frac{1}{2}$ d.

To make good the deficiency of the duty of 4 and $\frac{1}{2}$ per cent. granted anno 1785

To complete 600l. granted anno 1788, for the salary of the Chief Justice of Dominica

To complete 600l. granted anno 1789, for the salary of Ditto

To pay principal and interest of orders made out pursuant to an act 28 Geo. III for relief of American sufferers, and persons who have suffered by the cession of East Florida, and charges upon the supplies, anno 1789

To pay Ditto of orders made out pursuant to the said act, and charged on supplies, anno 1790

To pay Ditto of orders made out pursuant to an act 30 Geo. III. and charged on ditto

31688l. 1 5 $\frac{1}{2}$	766259 7 9 $\frac{1}{2}$	
409378 6 4 $\frac{3}{4}$		
40000 0 0	436990 18 0 $\frac{1}{2}$	
		900 12 10
		570 17 7 $\frac{1}{2}$
		816 13 5 $\frac{1}{2}$
		388 10 6
		87 18 11
		2608 6 10 $\frac{1}{2}$
		2201 76 11 $\frac{1}{2}$
		9806 0 2 $\frac{1}{2}$
		17380 17 5

WAYS and MEANS for anfwering the fame, viz.

	£.	s.	d.
By 4s. per lib. on land	2000000	0	0
By the duty on malt, continued anno 1791	750000	0	0
Surplus of the consolidated fund on the 5th day of April, 1791	303221	9	0½
Out of the monies of the surplus of the said consolidated fund, after the said 5th of April, 1791	1300000	0	0
Further out of the monies arising of the surplus of the said consolidated fund	2375000	0	0
By a lottery	806250	0	0
By Exchequer bills, charged on the first aids granted for the service of the year 1792	3500000	0	0
By Exchequer bills, charged further on ditto	2000000	0	0
By Exchequer bills, charged on fundry taxes granted anno 1791	1833000	0	0
Remaining in the Exchequer of the money set apart for bounties on hemp and flax in England	10137	4	0
	14877608	13	0½
Deficiency of Ways and Means	436990	18	0½
	15314599	11	1

Presented 8th Day of February, 1792, by

W. SPEER.

A. 1792.

DEBATES.

133

An Abstract of the Number of Vessels, with the Amount of their Tonnage, that have cleared out from the Ports of LONDON, BRISTOL, and LIVERPOOL, to the Coast of AFRICA, for the Purpose of purchasing SLAVES, in the Three Years preceding the 5th of January, 1792.

PORTS.	1789.		1790.		1791.		TOTAL.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
London -	9	1736	15	3097	25	3943	49	8778
Bristol -	15	2691	27	4068	22	4069	64	11728
Liverpool -	61	11081	94	18260	97	18614	252	47955
Totals -	85	15510	136	26325	144	26626	365	68461

AVERAGE of the Three Years, viz.

London	—	—	16	2926
Bristol	—	—	22	3909
Liverpool	—	—	84	15985
Total Average	—	—	122	22820

14th May, 1792.

J. DALLEY,
Assistant to the Register
General of Shipping.

An Abstract of the Number of Vessels, with the Amount of their Tonnage, that have cleared out from the Ports of LONDON, BRISTOL, and LIVERPOOL, to the Coast of AFRICA, for the Purpose of purchasing SLAVES, from 5th January, 1792, to 4th May, 1792.

	Ships.	Tons.
London — —	8	1569
Bristol — —	11	2180
Liverpool , —	39	7446
Total —	58	11195

14th May, 1792.

J. DALLEY,
Assistant to the Register Gen. of Shipping.

An ACCOUNT of the Number of SLAVES which have been imported from AFRICA into the British West-India Islands, between the 5th January, 1789, and the 5th January, 1792, distinguishing each Year; and of the Number retained in the British West-India Islands, and the Number re-exported thence to the Settlements of Foreign Powers.

	1789.			1790.			1791.		
	Imported.	Exported.	Retained.	Imported.	Exported.	Retained.	Imported.	Exported.	Retained.
Antigua	311	140	171	—	—	—	268	—	268
Barbadoes	444	399	45	126	72	54	382	100	282
Dominica	3312	2357	955	2142	1690	452	2352	2099	253
Grenada	6490	3440	3050	3921	3143	778	9173	6362	3011
Jamaica	9898	2030	7868	14064	1970	12094	15293	2915	12378
Montserrat	—	—	—	—	1	—	—	—	—
St. Kitt's	67	332	—	—	—	—	62	—	62
St. Vincent's	903	58	845	1552	611	941	4029	1346	—
Tortola	—	—	—	—	—	—	—	44	—
Bahama	—	—	—	—	—	—	64	—	64
Total	21425	8756	12669	21805	7487	14318	31823	12866	18957

Inspector General's Office,
Custom House, London, 10th May, 1792.

THOMAS IRVING,
Inspector General of the Imports and Exports
of Great Britain and the British Colonies.

Abstract State of the Newfoundland Fishery, from the Year 1699 to 1791, taken from the Returns of the Admirals who commanded on that Station.

AVERAGE of YEARS.	Number of Ships.	Burden of Ships.	Number of Men belonging to the Ships.	Number of Passengers	Number of Boats.	Quintals of Fish made.	Quintals of Fish carried to Market.	Tierces of Salmon carried to Market.	Tons of Train Oil made.	Number of Inhabitants remaining in the country in winter.
1699, 1700, 1701	192	7991	4026	—	1314	216320	154370	—	1049	3506
1714, 1715, 1716	161	3998	2119	—	982	730	102363	—	891	3501
1749, 1750, 1751	288	33512	4108	3149	1370	432318	422116	1308	2532	5855
1764, 5, 6, 7, 8, 9 1770, 1, 2, 3, 4	516	40691	5435	6441	2163	626276	524296	5146	2882	12340
1784, 5, 6, 7, 8, 9 1790, 1	478	49273	4475	4662	2271	641915	643321	2770	2398	15141

Office of the Committee of Privy Council for Trade,
Whitehall, 2d April, 1792.

A true Copy, taken from the Admirals
Returns in this Office.

GEO. CHALMERS, C. C. C. T.

An ACCOUNT of the Number of Vessels, with the Amount of their Tonnage, their Names, the Port to which they belong, and the Names of the respective Owners of each, that have cleared out from the Ports of London and Bristol, to the Coast of Africa, for the Purpose of purchasing Slaves, from the 5th of January, 1792, to the 4th of May, 1792.

Year	Ships' Names.	No. of Tons.	Ports to which they belong.	Names of the respective Owners of each.
1792	LONDON.			
	Fly —	44	London	William Ramsay.
	Hero —	349	Ditto	William Hammond, junior, and Francis Robson.
	Spy —	334	Ditto	Richard Miles, Jerome Bernard Weuves, and Thomas Wilfon.
	Africa —	90	Ditto	Thomas Sharples, and Robert Heatley.
	London —	240	Ditto	Charles Herries, Joseph Naylor, and James Drummond.
	Mentor —	136	Ditto	William Littleton.
	Thomas —	174	Ditto	Samuel Farmer.
	Iris —	202	Ditto	Richard Miles, and Jerome Bernard Weuves.
Total	8 Ships.	1569		
1792	BRISTOL.			
	African Queen —	277	Bristol	James Rogers.
	Royal Charlotte —	78	Ditto	Robert Hunter, Mungo Wright, and Henry Keowen Hunter.
	Morning Star —	74	Ditto	James Rogers, William Stewart, and Thomas Walker.
	Recovery —	189	Ditto	John Gordon, junior, James Rogers, Walter Jacks, and William Gordon.
	Langrishe —	266	Ditto	Patrick Fitz Henry, and James Rogers.
	Mermaid —	96	Ditto	James Rogers.
	Fame —	119	Ditto	James Rogers, Sir James Laroche, Bart., Rich. Fydeil, and Thos. Walker.
	Alfred —	199	Ditto	James Jones, Thos Deane, Rich. Stratton, Thos. Rigge, and Edw. Watkins.
	General Orde —	148	Ditto	Walter Jacks, and Benjamin Sandford.
	Beley —	194	Ditto	Henry Keowen Hunter, and Robert Hunter.
	Heffor —	540	Ditto	John Anderfon, Thomas Deane, James Harvey, and Thomas Rigge.
Total	11 Ships.	2180		

THE
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF LORDS,

In the SECOND SESSION of the
Seventeenth Parliament of GREAT BRITAIN,
Appointed to be holden at WESTMINSTER,
On THURSDAY the 25th of NOVEMBER, 1790.

Tuesday, 31st January, 1792.

THIS being the day appointed for the meeting of Parliament, His Majesty went down in State to the House of Lords; and being seated on the throne, a message was sent to the Commons, and they came up to the bar.

His Majesty then delivered a speech, from a paper which he held in his hand. [See Commons Debates, Vol. XXXI. p. 2.]

The King and Commons having retired,

Lord Gage, the Earl of M^{or}ton (on his new creation as Baron Douglas), the Bishop of Durham, and the Bishop of Carlisle, took the oaths, and were introduced with the usual ceremonies.

The LORD CHANCELLOR then called the attention of their Lordships to the King's speech; and the same being read twice,

236
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PARLIAMENTARY

A. 1792.

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The LORD CHANCELLOR then called the attention of their Lordships to the King's speech; and the same being read twice,

The Earl of CHESTERFIELD rose. It is with peculiar pleasure that I rise to move your Lordships, that an humble address be presented to His Majesty on his most gracious speech from the throne. It is not, I am sure, necessary for me to take up a minute of your Lordships' time, in stating any arguments to persuade you to agree with me in this proper return of gratitude, for the expressions of love and attachment to the constitution, of kindness and regard for his subjects, of consolation and pride to us all, which His Majesty's speech contains. It speaks to every bosom, and I am sure, that I shall have the concurrence of every noble Lord in the address which I shall have the honour to propose; the first part of which will be to felicitate His Majesty on the happy marriage of his Royal Highness the Duke of York, with a Princess of the illustrious House of Prussia, by which not only we have the prospect of securing to the nation the blessings derived from the Royal Family, but farther to strengthen the advantageous alliance which subsists between this country and Prussia. That we shall cheerfully concur with His Majesty in making a suitable provision for their establishment, is a disposition in which I am sensible there will not be one dissenting voice.

His Majesty is graciously pleased to inform us that his mediation has happily restored peace between the Emperor and the Porte, and that preliminary articles are agreed upon between the Empress and the Porte. I will not detain your Lordships for one moment on this subject—The preservation of the balance of power in Europe, is obviously so important to its permanent tranquillity, and to the commerce and prosperity of England, that we have the utmost reason to be grateful for the interest which His Majesty has taken, and for the success of his mediation. It must also be gratifying to us, to know that through our means the Porte certainly gained better conditions than they otherwise would have done. I understand that all the papers relating to this subject will be laid before your Lordships, by which you will be able to satisfy yourselves on the wisdom and propriety of the measures devised by His Majesty.

The successes of our arms in India, through the bravery and exertion of our officers, and the conduct of Earl Cornwallis, are a proper subject for congratulation, and we most heartily join with His Majesty in expressing our hopes, that these successes will soon bring the war to a happy conclusion.

It must be truly gratifying to every one of your Lordships to hear the assurances which His Majesty has received from neighbouring Powers, by which we may be able with safety to make reductions in our expence, and still more so, that the wonderful and enormous increase in our revenues will enable us to ease the people of a part of their burdens, and to reduce the rate of some of the redeemable annuities. These advantages, naturally flowing from the happy constitution under which we live, must make us eager to approach the foot of the Throne with assurances that we will invariably study to maintain inviolate what has contributed so essentially to our happiness. I conclude, therefore, with moving an address expressive of those sentiments.

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks for your Majesty's most gracious speech from the throne.

Permit us to express to your Majesty, that deeply sensible of the many blessings which we enjoy under your Majesty's auspicious reign, we eagerly embrace the first opportunity to offer to your Majesty our dutiful congratulations on the happy event of the marriage of his Royal Highness the Duke of York with the Princess Royal of Prussia; and we beg leave to assure your Majesty of the sincere and heartfelt satisfaction which we derive from every circumstance that adds to your Majesty's domestic happiness, and affords us a fresh security for the continuance of the Government of these kingdoms in your Majesty's illustrious line. Strongly impressed with these sentiments, we shall, with the greatest cheerfulness, concur in the necessary measures for making a suitable provision for the establishment of their Royal Highnesses.

We feel great satisfaction in learning that the war between the Emperor and the Ottoman Porte has, under the mediation of your Majesty and your allies, been terminated by a definitive treaty, on such principles as appear to your Majesty the best calculated to prevent future disputes between those powers; and that a progress has been made towards a pacification between the Empress of Russia and the Porte.

We return your Majesty our sincere thanks for your condescension and goodness in the communication of a copy of the definitive

treaty between Austria and the Porte, and of those papers respecting the negociation with the Court of Peterburgh, which your Majesty has been graciously pleased to direct to be laid before us.

We join with your Majesty in regretting the continuance of the war in India; but we have seen with great satisfaction the success which has already attended the bravery and exertions of the officers and troops under the able conduct of Lord Cornwallis; and we trust the war will by their efforts speedily be brought to an honourable conclusion.

We learn with peculiar satisfaction that the friendly assurances which your Majesty receives from foreign Powers, and the general state of affairs in Europe, appear to your Majesty to promise a continuance of our present tranquillity; and we acknowledge your Majesty's paternal goodness manifested in your desire to embrace every opportunity for diminishing the public expence by such reduction of the establishment as may be found to be practicable and expedient.

Every circumstance in our present situation must lead us to reflect, with the deepest gratitude, on your Majesty's unremitting anxiety for the welfare of your people; and must confirm and strengthen in the minds of all your Majesty's subjects, our steady and zealous attachment to that constitution which we found by long experience to unite the inestimable blessings of liberty and order, and which we consider as being, under the favour of Providence, the principal source of all our present advantages.

The address, as moved, was read by the Lord Chancellor.

LORD MULGRAVE. I beg leave, my Lords, to second the motion of the noble Earl. His Lordship has with so much ability stated the arguments which forcibly call on us to agree with him in carrying up to the Throne our acknowledgements, that it is not necessary for me to say one word in addition; but if any arguments should be advanced against the propriety of this address, I shall beg leave again to trouble you. There is no part of His Majesty's speech which calls upon us more forcibly for our felicitation than the happy marriage of the Duke of York to the Princess Royal of Prussia.—Every accession to the happiness of the Royal Family, and

which promises the continuance of the Crown of these realms in the House of Brunswick, is a subject of national joy, and I am led naturally from this to the concluding expression of the noble Earl's motion, that the experience which we have derived of the blessings of that constitution under the happy auspices of His Majesty, ought to make us truly animated in the support of it; and I am sensible that your Lordships will be unanimous in carrying up your assurances of invariable attachment to that constitution, from which singly we have derived all our prosperity.

Viscount STORMONT, I do not rise to oppose the motion for an address. No noble Lord can be more solicitous than myself, on all occasions, to express to His Majesty, the sentiments of loyalty, gratitude, and acknowledgements for the blessings which we enjoy under his happy reign, than myself. I do not consider the first day of the session as a day for business, properly to called; and my agreeing to thank His Majesty for his gracious speech, does not, by the usage of Parliament, bind me either to the support, or the approbation of the measures on which it touches. So thinking, I rise only to trouble you with a word or two on what has fallen from the noble mover. His Lordships says, that all the papers relative to the mediation between the Porte and Russia will be laid before us. If the noble Earl says this from personal information, I am satisfied, for then we shall be able to come fairly to the discussion of this truly interesting topic. My Lords, I am no advocate for an indiscriminate disclosure of papers. I desire no papers to be communicated which may be inconvenient to the public interest; but I wish it to be understood, that in the case of our mediation here, all the papers ought to be submitted to us—and if they all are, that is, all the memorials, and, as they are technically called, offices, which passed between the Courts, including the Court of Denmark, from the 1st of October 1790—I pledge myself to prove, that so far from having merit for protecting the Porte, and for procuring better terms than they would have gained otherways, Ministers, if they have any merit at all, have merit for having done nothing—for having abandoned all the plans which they had formed, and which they unwisely

announced last session: I promise to prove, that so far from accomplishing a peace on the basis of the *status quo*, they yielded to the demands of the Empress, as made before their interference.

From the terms of the address, it would seem as if to our interference was to be attributed the conditions which the Porte had received. If this is intended to be conveyed, I dispute the fact. My information may be defective—but I have reason to believe that the last memorial presented at Petersburg by our Court was on the 22d of July, and on the 9th of August the preliminaries were signed; there was an interval of twenty days. Now, I take upon me to say that it was not possible for the swiftest possible courier to carry that memorial first from Petersburg to Constantinople, and afterwards from thence to Sisto, so that that memorial could have had any influence in producing the preliminaries. The truth is—it had none whatever. The Porte found out the true character of their mediator—too late, unfortunately, to save the effusion of blood—too late to save themselves from enormous expence—but time enough to save themselves from utter ruin; they found that they were deluded and ensnared, that the power which affected to mediate for them had neither ability to protect them, nor influence, nor disposition, and they found it wise and necessary for them to accept of the terms originally held out by the Empress. This I believe to be the case, but I suspend what I shall have to offer on the subject till the promised papers before us be produced. In like manner I shall not say a word on the subject of India. I am much pleased to hear that we have had successes in that quarter of the world. It would, however, have been well if Ministers had thought it adviseable to give us an abstract of those successes. I have read every Gazette which has been published, which, I suppose, they call the only authentic fountain of intelligence, and as yet I have not seen one syllable in the shape of success.

Before I sit down, I will trouble your Lordships with a few words upon a subject on which the noble seconder, (Lord Mulgrave) has enlarged, with great propriety and eloquence. He has made a fine eulogium of our constitution. Upon that

subject, my Lords, there can be no difference of opinion among us. We have all an equal sense of the blessings we enjoy, an equal desire to transmit those blessings inviolate to our latest posterity. I am certainly far from having that comprehensive knowledge of the constitution, which many of your Lordships possess; but I do not think myself totally unacquainted with the general principles, the general outline; neither have I wanted or neglected the means of comparison with other forms of Government, ancient and modern. The result of that comparison has been this fixed opinion, that the constitution of this country, as settled and secured, but by no means created, at the revolution, for that is a most erroneous idea) is the best and most perfect system of civil liberty that ever was enjoyed by man; combined with that vigour and energy of executive Government, which is absolutely necessary to uphold and maintain the whole. I have never, my Lords, been a great reader of political pamphlets. The bent of my mind has directed my leisure, when I happened to have leisure, to other pursuits. But the pamphlets which were still in vogue when I came into the world, and which I occasionally perused, all vied with each other in extolling the excellence of our constitution. Lord Bolingbroke never is more eloquent than upon that theme. I remember, that in one of his papers, in which he strongly recommends the study of the constitution, he expresses himself to this effect—View it again and again, render it familiar to the mind's eye, contemplate the lovely object in all its parts, till you become enamoured of its beauty; and then applies to what he very properly calls the noblest effort of human wisdom, what Plato, as quoted by Tully, says of wisdom herself; *Quam illa ardentem amorem excitaret sui si videretur.* There are, I am told, some late pamphlets of a very different cast; the authors of which, as I am informed, for I speak from report, aspire to fame by attempting to ridicule that which has so long been the object of admiration and reverence, and who endeavour to lessen in our estimation the value of the blessings we enjoy. Whatever be the causes that lead to such singularity of opinion, or to that affectation of singularity which is one of the commonest shapes that paultry vanity assumes, and whatever mischief there may be in such publications, I am not apprehensive that the contagion will spread far, or taint the na-

tion at large. The people of this country are a serious; sober-minded people at bottom, and there is a vein of solid sound good sense that runs through the general mass, beyond that of any country which it has been my lot to see. They will not be led to think disrespectfully of what they have so long looked up to with reverence and veneration, much less will they be induced to hazard blessings so long enjoyed, and so effectually secured to them, which nothing but their own folly can throw away. I therefore, my Lords, do not apprehend any real danger to the constitution. But of this I am sure, if any such danger shall arise, there will be in Parliament but one heart, one voice, one mind. The only contest, then, will be, who shall testify the most ardent zeal in the defence of that which is equally dear to all, who shall stand foremost in the glorious cause.

The Earl of CHESTERFIELD. The noble Viscount, from a mere expression of mine, too loose perhaps, has made an observation which calls on me for a reply. When I said that all the papers would be laid before your Lordships, on the subject of Russia, I clearly meant only the papers stated by His Majesty. I have no communication to justify me in saying precisely what papers will be laid before the House.

Lord GRENVILLE. It will not be supposed, my Lords, that I rise to provoke hostility in the noble Viscount, by contesting any assertion which he has made on the subject of Russia this day. The proper time will be undoubtedly when the papers are on the table. But the patriotic and manly manner in which the noble Lord has declared his sentiments on the subject of the constitution, demands my cordial approbation. The noble Viscount has proved, that however we may differ on particular measures—amidst all the jars and dissonance of parties, we are unanimous in principle. There is a perfect and entire consent in the love and maintenance of the constitution as happily subsisting. It must undoubtedly give concern to your Lordships to find that the time is come, when there is propriety in these expressions of regard to the constitution; and that there are men who disseminate doctrines hostile to the genuine spirit of our well-balanced system. I agree with the noble Viscount, that they have not much success—

I am convinced that there is no danger to be apprehended from their attempts; but it is truly important and consolatory to know that if ever there should arise a serious alarm, there is but one spirit—one sense—and one determination in this House, and that carrying up, as we do, an unanimous assurance to the Throne, of our inviolable attachment to the constitution, His Majesty will know that he has in us united defenders of it in the hour of danger. I thought this short observation due in acknowledgement for the very manly declaration of the noble Viscount. In regard to what the noble Lord has said on the subject of Russia, I must take the liberty to dissent entirely from his conclusions, and at the proper time I shall certainly be ready to meet the noble Lord.

The address was then agreed to *nomine dissente*.

A Committee was formed to prepare the address. It was reported. And the Lords with white staves ordered to take His Majesty's pleasure when he will be waited upon with the same at St. James's Palace.

The House adjourned.

Wednesday, 1st February.

As soon as the Lord Chancellor had taken the woolfack, the Lord Steward of the Household rose and acquainted the House, that His Majesty had been waited upon, pursuant to order, and had been pleased to appoint this day, (yesterday) at half past two o'clock, to receive the humble address of that right honourable House.

The House then adjourned, in order to proceed in state to St. James's.

The House adjourned.

Tuesday, 7th February.

The Duke of DORSET reported to the House, His Majesty's answer to their Lordships' address.

My Lords,

I thank you for this very dutiful and loyal address. The expressions of your affection towards my person and family, and of your zealous attachment to that constitution, from which we de-

rive so many advantages, are peculiarly acceptable to me. And I receive with great pleasure your congratulations on the marriage of my son, the Duke of York, with the eldest daughter of my good brother and ally, the King of Prussia, and the assurances of your readiness to concur in making a suitable provision for their establishment.

Lord GRENVILLE laid before the House the papers alluded to in His Majesty's speech from the throne, relative to the peace between the Emperor and the Ottoman Porte, and the negotiation with the Court of Petersburg.

Lord Viscount STORMONT moved, that they be printed for the use of the Members.

Ordered.

The House adjourned.

Thursday, 9th February.

The House being formed into a Committee of Privileges (Lord Cathcart in the chair), to take into farther consideration the claim of Lord Castlestuart to the borough of Ochiltree; the validity of which was impeached, on the ground that the claim of that title was depending before the House, by the petitions of the Earls of Selkirk and Hopetoun.

Lord LAUDERDALE expressed his concern at the absence of the noble Lord who was wont to preside upon the woolfack, and upon that account wished the farther consideration of this cause to be postponed to a future day. He stated as a precedent, that this very claim was put off at the close of the last session, through the indisposition of the Chancellor.

Lord STORMONT said, this was a claim so involved in obscurity, so perplexed with law, and so intimately connected with the preceding matter, that he did not think it possible to proceed, without the assistance of the noble Peer, whose unremitting attention, keen discernment, and consummate abilities, had justly entitled him to preside at the discussion of this important question. He would therefore intreat their Lordships to postpone the claim of Lord Castlestuart until the recovery of their Speaker, and, in the interval, to proceed to the next that stood upon the list.

Lord GRENVILLE was ready to allow what had been stated relative to the importance of the subject, and the eulogium that had been bestowed upon the noble Lord who presided in that House ; but saw no occasion to delay the proceedings on account of the absence of any person, however exalted his rank, or conspicuous his mental endowments or professional acquisitions. It was a topic of the utmost importance ; and he trusted their Lordships would reflect, that the British Peerage was at this moment incomplete. The kingdom of Scotland, instead of being represented by sixteen Peers, according to the act of Union, was represented only by thirteen ; which deficiency was to be imputed to the delay already incurred by the unprecedented mode of trying the validity of the electors ; such conduct was inconsistent with the dignity of the House, and highly derogatory to the interest of Scotland.

Lord LOUGHBOROUGH declared, that no person regretted the unavoidable procrastination that had already occurred in the discussion of a question which involved in its issue the privilege of the claimant to sit in the British House of Peers. A question of such magnitude ought not to be pressed in the absence of that noble Lord, whose attendance had been so constant in the preceding part of the business, and whose sagacity had developed points so intricate and involved in the mystery of law. He confessed his insufficiency did not warrant him to give an opinion on the subject, although he had studied it with all the assiduity his other avocations and engagements would permit ; and he was authorised to say, that the noble and very learned Judge who was delegated to preside as their Speaker, was no less diffident of his competency to offer his sentiments upon the merits of this perplexed and intricate business. He lamented the noble Lord who was wont to preside upon the woolsack was, from the nature of his complaint, precluded from specifying any definite time when their Lordships might be favoured with his assistance, which he considered of infinite importance in the decision of the claim under consideration.— He thought it therefore incumbent upon the House to delay farther proceedings until that event took place, and in the mean time to adjourn the Committee to Thursday next.

Lord GRENVILLE said, the delay already incurred in this discussion, operated as a check to the progress of other business

before the House; and he was most decidedly of opinion, that the Committee should not adjourn over to-morrow.

Lord CATHCART hoped their Lordships would consider, not only the time that had been consumed, but also the money that had been expended by the claimants, in support of their petitions; he wished therefore to know, whether the Counsel were ready to proceed with the title that stood next upon the list? To which they answered in the negative.

The Committee was adjourned to Thursday next.

The House being resumed, a deputation from the Commons presented the bill for regulating the trial of controverted elections, and to amend an act passed in the eleventh year of his present Majesty, which was read a first time, and ordered to be read a second time to-morrow.

The House adjourned.

Friday, 10th February.

The bill to enable the Commons to proceed on an impeachment without balloting for an election Committee, was read a first and second time, and ordered to be committed for Monday.

The House adjourned.

Monday, 13th February.

Two petitions for private bills were read, and referred to two Judges to report thereupon.

The House adjourned.

Tuesday, 14th February.

The bill respecting libels was brought from the House of Commons.

The House adjourned.

Thursday, 16th February.

The House in a Committee of Privilege proceeded in hearing Counsel on the Scotch Peers election.

The House adjourned.

Friday, 17th February.

Earl FITZWILLIAM moved, that the proper officer do lay before the House, the date of the order for raising and impressing seamen to man the navy, and likewise the order for discharging them during the years 1790 and 1791.

Lord GRENVILLE said, that he had no objection to the motion, but the noble Peer might with a little patience obtain the same information from the estimates of the expences, which will shortly be presented to the House.

The motion was agreed to.

Earl FITZWILLIAM moved for an account of all the ships of war put into commission, distinguishing their force and rate, from the month of March 1790, to the month of April 1791.

Lord GRENVILLE stated, that he had no objection. Ordered.

Earl FITZWILLIAM moved, “ that a copy of the definitive treaty of peace between Russia and the Porte, might be laid before the House.

Lord GRENVILLE replied, that His Majesty’s Ministers had not received any copies of the treaty, which were properly authenticated by the Ambassadors at the respective Courts.

Earl FITZWILLIAM said, that in the course of the long negotiation, it seemed highly absurd that His Majesty’s servants should not be acquainted with the great outlines of that peace, although the copies might not be received.

Lord GRENVILLE said, the various letters and transcripts are not sufficiently explanatory to give the precise limits and exact terms.

Earl FITZWILLIAM said, then my Lords, I now begin to understand the noble Lords in Administration; they have been committing the nation to a tedious, a doubtful, and expensive negotiation, between two great contending powers, and now having assumed to themselves the merit of it, they are totally unacquainted with the terms upon which it is concluded. The motion was then dropped.

Earl FITZWILLIAM moved, that the House be summoned for Monday next.—Ordered.

The House adjourned.

Monday, 20th February.

Lord RAWDON said, previous to their Lordships' proceeding to the business of the day, he wished to call the attention of noble Lords to a subject, the circumstances of which he thought warranted his pressing it upon their notice. It was concerning a foreign nobleman, who had been arrested, and was now in one of our jails. He knew the justice and humanity of their Lordships would naturally be excited towards a foreigner, but more particularly when that foreigner had conducted himself towards the British soldiers who surrendered with Lord Cornwallis at York Town, with a liberality and humanity that did him the greatest honour. He would take the liberty to state shortly his case to their Lordships, and was sure they would think it becoming their dignity to pay some attention to it. The Duke, as many other persons of fashion did, had issued bills to a considerable amount, and many forgeries, purporting to be his bills, had been made. This he neither knew nor suspected, until he had paid a much greater sum than he had issued bills for, so that he had paid several of the forged bills, while some of the real ones remained in circulation. From his situation at the time, he found it necessary to pay all that were presented to him, whether forged or not, and by this he thought he had nothing to fear. He, at the same time, having applied to a Court of Justice here, received a verdict in his favour. However, upon his return to England, he was again arrested upon bills for 2000*l.* which it was said remained unpaid at Dunkirk, and this at the suit of a person who had lived in a chandler's shop, where he had run up a score of a guinea, which he could not pay—had afterwards been two nights in a barber's shop for want of lodgings, and who could not produce any such bills as he had made his affidavit upon, nor was there any probability of his ever having been possessed of them. From these extraordinary circumstances, it appeared that there must be some conspiracy against him; and that for the purpose of detaining him in this country, when his presence was requisite in France.—He was happy that a gentleman of great abilities in the other House, had turned his mind to the subjects of arrests upon

mesme proccesses. He stated many abuses, amongst others, the particular case of a woman who was confined for 25 years, and whose confinement ended only with her death, for a debt under 20l.

The order of the day was then read.

Earl FITZWILLIAM rose, and addressing himself to Lord Grenville, said he had a few questions to put to his Lordship before he opened his propositions to the House. The first was, that he requested to be informed by the noble Secretary of State whether any copy of the preliminary articles between Russia and the Porte had been officially communicated to His Majesty's Ministers.

Lord GRENVILLE thought it was irregular to put questions to any noble Lord in that way, and suggested, that if the noble Earl wished for any information, he ought to bring forward a motion.

Earl FITZWILLIAM then rose to state to their Lordships his reasons for ordering them to be summoned for this day, and his expectations that His Majesty's Ministers, by laying on the table all such papers as were materially connected with the late negociation with Russia, particularly the preliminary articles between that Court and the Porte, would have rendered it unnecessary for him to have troubled their Lordships. As this had not been done, nor any information given to the House more than they were possessed of when the subject was debated last year, when it was held out as a question of confidence, he should think it his duty, whatever success might attend it, to move a string of resolutions, which he would not only put separately, but read to the House before he sat down. He conceived it the right of the House to be informed fully and completely, not only of what was the original cause and object of the armament, but of the progress of the negociation in all its steps. Without this knowledge, it was impossible for them to form any judgement upon the conclusion of that negociation; and until they had it, they were free to form whatever opinions they might collect from such information as they could obtain. None that he had yet learned convinced him that our interference was at all necessary to bring about a peace, nor did the result shew that it had been at all useful. In order to put them in full possession of his intentions, he would read the first six resolutions,

which he meant to move. They contained, as their Lordships would perceive, a plain narrative of facts, the truth of which would not be denied; and the seventh was a fair, natural, and just conclusion drawn from the facts stated in the other six.—His Lordship read the following resolutions, the first of which he moved.

“ 1. That it appears to this House, that the Empress of Russia (whose uncontroverted assertion to the Prussian and British Ministers at Petersburg, that the Courts of Berlin and London had acknowledged and avowed that she had been unjustly attacked and provoked), communicated to His Majesty’s Ministers by her Minister at this Court, the Count de Woronzow, on the 26th of May, 1790, the following as the lowest terms on which she was ready to make peace with her enemies:—1st. The re-establishment of the treaties subsisting at the moment of the rupture.—2dly, The cession of the arid and uncultivated territory which extends as far as the Dniester (containing nothing of importance, except the single town of Oczakow), so as this river may hereafter serve as a frontier between Russia and Turkey.

“ 2. That in answer to this communication, His Majesty’s Ministers observed to the Russian Minister, Count Woronzow, that these propositions appear little calculated to conciliate the minds either of the King of Sweden, or of the Porte: the cession of Oczakow, with its territory, to Russia might meet with the greatest opposition on the part of the Turks, and consequently serve rather to prolong than terminate the calamities of war.

“ 3. That in the month of August, 1790, the King of Sweden concluded a peace with the Empress of Russia, without the intervention of Great Britain.

“ 4. That after the peace had been concluded with the King of Sweden, and during the course of a successful campaign, the same propositions respecting terms of peace with the Porte, as had heretofore been offered by the Empress of Russia, were again repeated by his Swedish Majesty on different occasions, and particularly so on the 31st October, 1790, accompanied on that occasion by a declaration, that the conditions of peace will always consist of the same terms on her part.

“ 5. That these propositions having been invariable on the
 “ part of the Empress of Russia, from the 26th May, 1790,
 “ a message was delivered on the 28th March last by His Ma-
 “ jefty’s Ministers, in his name, to the two Houses of Parlia-
 “ ment.

[Here was inserted His Majesty’s message.]

“ 6. That a great naval armament was immediately ordered
 “ to be equipped; that subsequent to this armament a negoti-
 “ ation was resumed by His Majesty’s Minister at Petersburg
 “ on the 26th May 1791, for the express purpose of securing
 “ a defensive frontier to the Turkish Empire, as a point of
 “ the highest importance to the security and independence of
 “ that power, and essential for the maintenance of the perma-
 “ nent tranquillity of Europe; which negotiation was con-
 “ cluded by adopting the proposition made by the Empress on
 “ the 26th May 1790, to His Majesty’s Ministers; and not
 “ only admitted as the basis of an accommodation, but it was
 “ farther declared on the part of His Majesty’s Minister, that
 “ if the said terms were not accepted by the Porte within four
 “ months, the termination of the war should be left to the course
 “ of events.

“ 7. That the negotiations of the British Cabinet during a
 “ period of fourteen months from 26th May, 1790, backed
 “ and enforced by the weight and formidable authority of a
 “ great naval armament, equipped for that express purpose,
 “ had no effect with respect to the interests of the Ottoman
 “ Porte, unless that of retarding the conclusion of peace be-
 “ tween that Power and Russia, and of extending the calamities
 “ of war for two unnecessary and more destructive cam-
 “ paigns to the Turks; nor any with respect to the interests of
 “ Great Britain, but that of exposing the honour, hazarding
 “ the tranquillity of the kingdom, and of cramping the ex-
 “ tent, and endangering the safety of its commerce, by an un-
 “ necessary and most expensive display of naval equipment,
 “ which had no beneficial object in view, and which obtained
 “ no national advantage whatever.”

The Earl of ELGIN said, that it was with great diffidence
 that he addressed their Lordships for the first time, and the
 more so, from the particular situation in which he stood: lay-
 ing aside, however, every other consideration, he would offer

his sentiments without any consideration, but what was connected with his parliamentary duty. He thought there was no necessity for the resolutions moved by the noble Earl, and was perfectly satisfied, by the papers on the table, as to the conduct, the progress, and the result of the negotiation with Russia, which papers he thought completely sufficient, without any farther communication to convince their Lordships upon the question at issue. He contended for the importance of our foreign alliances, and the necessity to encourage and preserve them inviolable—a precise attention to which formed part of that laudable system, which, in his opinion, His Majesty's Ministers had followed. He called the attention of their Lordships towards the Austrian arms, which might have been employed against Turkey; a circumstance which it certainly was our business to prevent; and he maintained that a junction of the powers of Russia with the House of Austria, and aided by France against the Turks, was a circumstance which, if not checked in time, might be of very destructive consequences in the politics of Europe, and tend to overturn that balance of power which it was our undoubted interest and avowed principle to preserve. With regard to the objects of the armament, he contended, that they were proper, and worthy of the British Court; and that the means employed to obtain them were not only justifiable, but highly laudable; that they had not been attended with such complete success as Ministers could have wished, he confessed; but he ascribed that in a great measure to both the objects and the means having been misrepresented in this country; and he averred, that if the basis upon which the negotiation was founded, met with a fair and impartial investigation, it would be found such a basis, as entitled it to be called prudent, wise, and solid; and if this was the case, he thought it became the House to resist the propositions of the noble Lord. On the subject of Oczakow, the freedom of navigating the Dniester, and the possession of the country between the Bog and the Dniester, his Lordship made several observations, pointing out what he considered to be the real importance of each object to this country, and to the Turks. Reviewing the politics of Europe for a considerable time back, he concluded, that it was the uniform system of Russia to pursue an acquisition of territory and of power, whenever an op-

portunity occurred; and that this system, if not properly kept down by our interference, was of a very pernicious tendency to the Turks, to Poland, and to the general balance of power in Europe. The noble Earl had stated the terms which he thought were those on which the British Court had insisted, and had asked why Ministers had entirely deserted those terms, and concluded a negotiation, during which no one of those terms had been obtained. This was with him one great cause for giving his approbation to Ministers for their conduct and good sense, and it clearly proved that they were determined not to make a bad use of the confidence given them by Parliament last session. Whatever their opinions might be, or the hopes they had entertained of the system they had laid down, yet when they found that both in and out of Parliament there was much opposition to that system, they had relinquished it, in hopes that they were serving their country, although not in the way which they meant to have done. It had been asked, but why keep a great and expensive armament for a considerable time after this general opinion of the country was known, and the Ministers themselves had determined to forego the execution of their plan? Now, when the object of that armament was seriously considered, and the situation of Europe at the time, he could not believe that any noble Lord in that House, or wise man in the country, would have advised a dismemberment of that force and power with which Ministers had, with the approbation of Parliament, thought it necessary that the country should be prepared, until the negotiation, which it was intended to aid and forward, was brought to some conclusion or other. Besides the different objects of the armament which had been mentioned, he said, there were many other considerations that rendered it prudent and necessary not to diminish our strength, till we could obtain the object of our wishes. For all which reasons he opposed the resolutions, and begged leave to move the previous question:

The Earl of DARNLEY, in reply to the noble Earl who spoke last, apologised for pressing himself upon their Lordships' attention, especially when he reflected on his own situation as an inexperienced speaker, and conscious of his defects in ability and information, compared with what their Lordships had already witnessed, and would, no doubt, have occasion to

still displayed in the course of that night's discussion. He disagreed almost in every point from the opinion of the noble Earl, and he thought the armed negotiation with Russia, in place of being of the least possible advantage to this country, was attended with circumstances in every respect derogatory to the dignity, the honour, and the policy of Great Britain. He was not entitled to say so much about the general state of Europe as the noble Earl; indeed he had not possessed such opportunities of information. But he could not avoid reverting to the state of this country at the end of the last war, comparatively with that in which it was now, to the general state of Europe at the time this armament commenced, and then inquiring a little into the prudence and propriety of that conduct in Administration so much praised by the noble Earl, and so little meriting applause, in his opinion. He paid some handsome compliments to the Lord Malmesbury, whose services he regretted were not now called into action; and likewise spoke in very flattering terms of Mr. Ewart, the late Ambassador at Berlin, whose unremitting attention to his diplomatic duties and great exertions in public business had unfortunately occasioned a fate which the country must sincerely lament. He said the superiority of the British name, in the general scale of European politics, certainly was great, and many causes had concurred to produce this pre-eminence. Amongst others, the situation of France was one of the strongest, and he might say, without an over degree of national vanity, that we might have been supposed in a situation that our mediation between contending powers would have insured success to the objects of our wishes, provided our councils were guided by wise and able statesmen; but how far this had been the case he hesitated to pronounce. There was certainly a time when, by our interference, we might have dictated peace between Russia and the Porte upon our own terms; and how far Ministers were entitled to approbation for letting that opportunity slip he could not easily reconcile to common sense or common observation. Whatever might have been the motives or the objects of Administration, one fact was clear and undeniable, and that was, that no possible advantage could arise to the country from the line of conduct they had followed, and that whatever terms they negotiated

for, they, in fact, had gained nothing. They had put the country to great expence, made the British policy appear ridiculous over all Europe; and having concluded their ill-advised, and worse-conducted, negociation, entered into and protracted, to be sure, with a kind of concurrence from Parliament, which concurrence proceeded entirely on confidence, and not from any information which had been given to Parliament. After all this, what had they obtained for the country — nothing — not even one of the points which at the outset of the armament they pretended to be their object. In short, instead of obtaining any thing, they had been obliged to concede terms, which they had in an haughty manner told all Europe they never would depart from — the peace between Russia and the Porte had been ultimately concluded without the least respect to the meddling interference of Great Britain. They had allowed also a treaty of peace to be concluded between Russia, Sweden, and Denmark, which, if any thing could tend to encroach upon the balance of power in Europe, must have that tendency, by uniting the maritime powers in the Baltic. When he came to notice the contents of the papers on the table, he was sorry to express his regret to the House that they shewed nothing but a violation of the dignity of Great Britain; and the manner in which they were produced and treated by Ministers he thought was equally unbecoming the dignity of their Lordships. They shewed nothing but subterfuge and evasion, imperious demands and mean retraction, on one side, he was sorry to say that of Britain; and nothing but dignity and firmness, justice and policy, on the part of Russia. He concluded by thanking their Lordships for their polite attention, and regretted his inability to express his ideas in a manner more worthy of their notice.

Lord KINNOUL said he could not sit silent on the discussion of measures of Administration which he completely condemned. Whether he considered the object of the negociation which Ministers had rested upon, and for which they had put the country to a great expence from the armament, or their conduct with the different belligerent powers, he thought them highly censurable.

This country had a right, from the high rank it stood amongst the powers of Europe, to mediate; and if a media-

tion was begun, and carried on upon sound principles of wisdom and enlarged policy, and ended with success, it might tend to the national honour, and to the good of those for whom it interfered : but if, as in the present instance, it was only a meddling interference, without a plea of exigency or obligation of treaty, begun in high-sounding language, and receding from the terms it proposed, and acceding to those on which the opposite party advanced at the first, and maintained to the last, it only degraded the nation, and did no good either to the country itself, or to the other powers in question.

The Turks had no reason to thank us, who had unfortunately listened to our advice, and depended on our aid and promises, and after two campaigns, at the expence of much blood and treasure, was obliged to accede to terms she might without that have received from the first.

Sweden had fortunately not trusted to us — *non tale auxilio nec defensoribus istis*—and concluded alone a treaty with Russia much sooner than those who had the kind interference of the mediating powers.

Russia had acted on just grounds and moderate principles, and maintained them to the last : she was not to be intimidated by the frowns and menaces of any power whatever.

Fussum et tenacem propositi

Non vultus instantis tyrannis

Mente qualis solida.

It was right, when the exigency of the case required it, to arm and call forth the energy of the country ; but armaments ought to be well weighed and considered before they were used, as arming and disarming, and without action, played with the public credit of the country and the bravery of the people ; and preps warrants, though they may be justifiable in extreme cases, should never be used but on great occasions, as such only could justify what must be acknowledged an encroachment of the liberty of the People.

He was surprised to hear the noble Earl (Lord Elgin) talk of the policy of a pacific system, when the conduct of Ministers were just the reverse to it ; nor could he agree with him in the consequence he attached to Oczakow and its territory ; but if it was of that consequence in the eyes of Ministers, it was disgraceful in them not to pursue their first measures, and maintain them to the last.

Lord Kinnoul was surpris'd at the noble Lord's speaking of the provinces as part of the Empress's terms, which were given up long before an armament was thought of, and surpris'd he should expect the Empress to agree to terms on the *status quo*, as the other powers had done, when she stood in a very different predicament, being unjustly attacked and provoked, and; after a series of four years, distinguished on her part with great and uninterrupted success.

Lord HAWKESBURY said, the noble Earl who made the motion had only put one of his resolutions— he had read the others; and as he considered the tendency of the whole was to draw a censure from that House upon the conduct of Administration, he would treat them generally; at the same time convinced that there was not the least ground for the censure which the noble Earl called for. He agreed with the noble Earl who spoke last, that a pacific system was that which was most for the interest of Great Britain; and he saw nothing in the conduct of Ministers which indicated a different opinion. Russia was not so friendly to us as some noble Lords thought; of this he was strongly convinced; and he would in the course of his speech draw the attention of noble Lords to her conduct upon different occasions, which they would readily allow was not of a friendly nature towards us. As to what had been said about maritime powers, he must observe that on this very point Russia owed much to Great Britain, though he could not find out a period when she had shewn any gratitude for that or other services which she had received from us. He particularly stated the aid we gave her in the war in which she was involved in 1739, and asserted that her maritime consequence arose almost entirely from her connection with Britain: we had lent her officers known for their bravery and conduct to prepare and to fight her fleets; of those he need only mention the late Sir Charles Knowles, and the names of Elphinstone and Dugdale, to point out to their Lordships what assistance her naval strength had received from us. The armed neutrality, and its effects, were in the recollection of every body. On what occasion then were we so much indebted to her? Our commercial intercourse was the next theme of admiration and esteem with some people; let them consider what it really was,

and they would find that it was desirable and useful in many articles; this country gained nothing by it; on the contrary, let them examine the duties on our imports and exports in the Russian trade, and he would venture to say, that the balance would be found three to one against us. There were many great and respectable men in the country who were of a different opinion from Administration; he would not say the whole country was so, but the general opinion being so avowedly different from that of His Majesty's Ministers, he thought they did wisely in relinquishing an object which did not seem of such essential importance as to risk a war: a war in this country, when the nation was not unanimous as to the propriety of that war, was always to be avoided, and it was well known that there was a large party last year who seemed inclined to support the cause of Russia.

The Earl of GUILDFORD said, he was not in the House on the first day of the session, when His Majesty delivered his speech from the throne. But when he was informed, that in a part of that speech it was promised to lay all the papers relative to the negotiation with the Court of Peterburgh before the House, it gave him much satisfaction, and in this he approved much of the conduct of Administration. It shewed, that they were well advised, and entertained a becoming respect for the dignity of Parliament. When the question was argued last year, the grounds upon which they voted must be in the recollection of every noble Lord; those grounds for agreeing were not from any information which His Majesty's Ministers had laid before the House; for then all was involved in prudent silence, ministerial discretion, and liberal confidence. Now, however, the case is altered; all this is over; the negotiation is concluded; and the time is come when the country and their Lordships have a title to be satisfied as to the vote which they had given last year; and in those papers they were to see all the particulars of a negotiation which they had agreed to on confidence. Now it was, that they were called upon to judge of the measure, and to declare to the country their conviction that this year had justified their confidence of last year; on this occasion, therefore, it surely became His Majesty's Ministers to be forward in furnishing the House with, and calling for, every information that could be obtained; so that on an ample

interests, magnify them as much as you please, been deserted, abandoned, and sacrificed by you, the Ministers of the day. If your plan was part of a system of alliance, as we were formerly told, if it was one great link in the chain, by whose hand has that chain been broken? If the possession of Oczakow was necessary to secure the Turkish frontier, if upon that security the independence of the Ottoman empire, so essential to the general balance, so material to the general interests of Europe, and to the particular interests of this country, did depend, you, the Ministers, have disregarded all these considerations, and stand convicted, upon your own shewing, of having left the Turkish frontier in a precarious and dangerous state. If Oczakow be the key of Constantinople, you the Ministers have delivered that key into the Empress of Russia's hands.— All the mischiefs to be apprehended from Russia's obtaining her demands, the dread of her becoming a great maritime Power, her preponderance in the general scale, the effect of that preponderance upon the weight and influence of our ally the King of Prussia, the danger of invasion to Poland from this accession of strength to Russia, for so tremblingly alive your Ministers, that even to that danger did their fears extend; all these considerations, which struck their minds so forcibly in the end of March, had totally lost their effect, had disappeared and vanished, before the end of July: at that period, without any new circumstance intervening, the identical terms proposed by Russia fourteen months before, and invariably adhered to, were thought so proper, just, wise, and reasonable, that our Ministers, acting through the instruments they employed at Petersburg, (upon those gentlemen there cannot rest any possible blame) not only withdrew all objection, but engaged to propose those terms to the Turks, and that too under this very harsh and extraordinary condition, viz. that if the Porte do not accept those terms within four months, the determination of the war is to be left solely to the course of events which it may produce.

Though this subject has been so ably handled already, I must touch upon it a little. Observe, my Lords, what these Ministers do, these protectors of the Ottoman empire. If those poor Turks, whom we have been frequently called upon to pity, if those unenlightened men, with that partiality which

all have in their own cause, do not abandon that which they had been taught to cherish, do not get rid of all the impressions so industriously given, do not in four months perceive the propriety of concession, which, in more than a twelvemonth, the eagle eye of our Minister could not discover, then are they abandoned to all the events of war. The Empress of Russia had repeatedly declared, that no success should make her rise in her demands; but our Ministers go out of their way, as it were, to free her from that stipulation; leave her to pursue the career of victory and conquest. She might be seated upon the throne of Constantinople; she might drive the Turks out of Europe, drive them beyond Mount Taurus, proceed even to the utter annihilation of the Ottoman empire, and this country was bound by solemn treaty not to interfere. Such is the engagement entered into by those very men, who thought the preservation of the Turkish empire was so essential to the dearest interests of Great Britain, that he who could contest that point, was a man with whom it was impossible to argue. After having repeatedly called upon Ministers (who, he said, had fought like Ajax in the dark, but with this difference, that the cloud was formed by themselves) to stand forth in the face of day, and declare what their real aim was, and what they had obtained, he asked, what charm there was in this Oczakow? what made it of such inestimable value, that in order to obtain the restitution of it to the Turks, Ministers could offer to guarantee to Russia the Crimea, that Crimea which is confessedly one of the great sources of the naval power of Russia which we are taught so much to apprehend, that Crimea which, when secured to Russia, as it would effectually be by our guarantee, opens to her the certain means of having a great fleet in the Black Sea; that Crimea which was such a darling object to the Turks, that, ungovernable as they are, and open as it would be without Oczakow, to any sudden invasion of the Tartars, there is no saying how soon Russia might have called upon us to make good our guarantee. This offer, made too, as I understand, without so much as demanding the reciprocity of a defensive alliance, is clearly contrary to the policy pursued at a time when the Ministers of this country saw, what indeed all Ministers, except the present, have seen, namely, the advantage of the closest connection with Russia. It is well

known to some of your Lordships, that in the beginning of this reign a defensive alliance with Russia was nearly concluded, but went off upon this point, we would not make a Turkish war the *casus fœderis*. But important as this subject is, I must leave it, as there is so much behind. I go then to a quite different point.

I charge the Ministers directly, meaning to use the most decent, but at the same time the most explicit, language I can find. I charge them with having advised the carrying on the armament, and subjecting the country to all the inconveniences inseparable from great naval preparations, after it was determined in Council that the force so prepared, should not be employed. I hasten to the proof by which I support this charge. I strongly suspect that the change of opinion in the Cabinet took place at a very early period indeed, three days after the King's message to Parliament; this I suspect, but cannot prove. I can therefore only date the change from the time when Mr. Fawkener's instructions were signed. I cannot fix the precise moment of that signature, but he set out the beginning of May. The change must have preceded his instructions, as they were founded upon it. How do you prove that? The proof is easy and irrefragable. His conduct is praised by all: I most heartily join in that praise, and have, upon all occasions, done justice to Mr. Fawkener's talents and abilities. He must then have been authorised by his instructions to make an absolute surrender of all the points for which Ministers affected to contend, because, by him and his colleague, such absolute surrender was actually made. I cannot reconcile the conduct of Ministers in this part of the business to any principle of common prudence. Was it wise to attract the eyes of all Europe, to turn them upon us, that they might behold this great nation standing with her hand upon her sword, which they who govern her had determined should not be drawn?—Do men call the world to be spectators of a combat, in which they are resolved *not* to engage? What was the object of this extraordinary mission, for which a gentleman of distinguished character and abilities was chosen? The immediate effect was to raise a general belief in Europe, (in which, however, the good men of the city, who knew Ministers, did not join) that there was at least some one point which Administration were

determined not to yield. The event was waited for with anxious impatience? What was the event? What has been the final issue? It is not the "*parturiunt montes*," not even a mouse was produced. Expectation, that had been lifted so high, fell at once to the ground, and the whole ended in nothing but the disgrace of having advanced with rashness to retreat with shame. Several noble Lords have in this debate given their sentiments respecting the line of policy this country should pursue with regard to foreign Powers. May I be permitted, in a very few words, to give my opinion upon that general subject. I am aware that my sentiments will not agree either with the doctrine or conduct of Ministers, but still I must declare my opinion is, that a great nation like this should not be hasty to interfere; that her interference should be called forth, and justified by some great occasion; that before she engages, she should contemplate all the possible consequences of the measure she adopts, as far as human sagacity and wisdom can extend their view; that she should be slow to resolve, but steady and firm to execute; that she should be inclined to moderation, from the very consciousness of power; that she should never invade the rights or dignity of others, or suffer an invasion of her own; that she should have for herself and others an equal measure, an equal rule, and should not attempt to obtrude upon any other Power conditions which, in a similar case, she would have rejected with disdain; that, above all, she should never engage in hostile negotiation, without being fully convinced that the objects she contends for are of such magnitude, of such importance, that if they cannot be otherwise obtained, they must be pursued not only at the hazard, but at the expence of a war; for though it is certainly possible that a bare menace may succeed, yet the chance of such success is much more than compensated, by the disgrace that must attend those who menace, but dare not make their threats effectual; who seem to court danger at a distance, but recede from it when it draws near. I have dwelt upon this topic much longer than I intended. I now proceed to another charge. Not only Ministers continued to arm, when pre-determined to yield, but those preparations were continued, when the Court of Petersburg could not but know they were not to be employed. I date this knowledge from the day on which the first joint me-

memorial of Mr. Faulkener and Mr. Whitworth was presented. It is impossible to read that memorial, without seeing that the Empress had the game in her own hands. Some slight *adoucissements* were proposed and asked from the Empress's goodness and generosity. Is that the language of a great nation, standing upon a great national point, and determined to maintain it by force of arms? No, my Lords, it is feigned resistance; it is the *facili scvitia negat*; it is the refusal of one who will ultimately comply. Yet in this situation of things, was our armament carried on with the greatest alacrity, and our seamen pressed, as if the enemy had been at our door. I know, my Lords, that the power of pressing, though very harsh and cruel to individuals, is a necessary power, upon the exercise of which the very salvation of the country may depend; and for that very reason, I think it unpardonable to exercise such power without a national call. It is painful to think how easily all this might have been avoided, if, after Ministers had decided in Cabinet to give up the point, they had signified to the Court of Petersburg, that the desire of restoring peace outweighing with them every other consideration, they would no longer resist the Empress's demands; half an hour's conference would have ended the whole, including the free navigation of the Dnieper, to which it does not appear that the Empress ever had the smallest objection. This plain and obvious measure would have prevented much inconvenience, much expence, and what is of infinitely more importance, would have saved the national honour. If, at a much earlier period, Ministers had admitted the justice and reasonableness of the Empress's demands, which they must now admit, and had offered to propose them to the Porte, they would have acquired that honour which belongs to fair and just proceeding; they would have laid the foundation of permanent friendship, and might have prepared the way for a defensive alliance with Russia; an alliance which, in all former times, the wisest men of both countries have considered as essential to the interests of both. That different ideas now prevail, the very intemperate, and, as I think, indecent language used by Ministers, in speaking of the Empress of Russia, but too evidently shews. However unfashionable the opinion may be, I mean unfashionable in the Cabinet, for there alone it is so, I am not afraid to call Russia the natural ally of Great

Britain, even at the hazard of again provoking a smile. When I call England and Russia natural allies, my meaning is, that they have many common ties, and not even one jarring interest that I can discover. Though I have detained the House so long, I cannot sit down, without taking some notice of the merit the noble Secretary of State seemed to claim for himself, and his colleagues, for having yielded to public opinion, and relinquished measures they thought right, with the full conviction of their rectitude and wisdom operating on their minds, at the very moment of the change. I beg your Lordships to remember, how immediately that change took place after the sense of both Houses of Parliament had been expressed by a great majority. I contend, my Lords, that the voice of the nation is here and in the other House of Parliament. It is Parliament, my Lords, that is the legal organ of the national voice; and therefore, who looks for the sentiments of the nation, must in the first instance look for them there, where the constitution has told him they are to be found. If Ministers mean to say that the conduct and arguments of those, who so strenuously opposed this measure, had weight with them, I, for one, return my thanks for my share of this praise. I wish it to be forever remembered by all who hear me, by every man in this country, what our conduct upon this great occasion has been. Let all those who enjoy the blessings of peace in domestic felicity, let all who avail themselves of the advantages of peace, through the various channels of widely diffused commerce, remember that Ministers would have thrown all those blessings, all those advantages, into the hazard; nay, were willing to forfeit them; and for what length of time they might have been lost, no man can possibly say; and that we have with our country the merit of endeavouring to prevent, and of actually preventing, an unjust, impolitic, and irrational war. Well aware of the difficulties in which Ministers would have found themselves involved, but regardless of every private consideration, true to our duty, and standing upon our opinions, we did all that lay in our power to arrest the Ministers on the brink of the precipice, to bring on the hour of sober reflection, to dissipate the fumes of vanity and pride, and to expose the folly of visionary projects, so powerful on the minds of those who, justly conscious of superior talents, but overweening in their own con-

ceit, despise the lessons of experience, disdain all, even domestic example, seek for unbeaten paths, and mistake novelty for wisdom. We claim no thanks from Ministers, we are entitled to none; the spring of our conduct was anxious regard to the public welfare, and to that alone.

The Duke of LEEDS said, that from the important situation which he had held in His Majesty's Councils, it would naturally be expected that on this day he should deliver to their Lordships his sentiments on the subject; and from what he had heard on that day from noble Lords on both sides of the House, he should be singular in his opinion. Your Lordships will forgive me, said the noble Duke, if I presume on this occasion to trouble you for a minute or two on a matter in which I am so intimately concerned. It certainly was my peculiar duty to consider this subject most deliberately. It would have been unpardonable in me if I had taken up a light, a rash, a premature judgement on a measure so truly important. I stood in the eye of my King and country, and should have been justly exposed to the condemnation of your Lordships—to the reproach of posterity, if on a topic—by which through my means my country might be involved, I had not taken every possible means of forming a ripe and solid opinion. My Lords, I did form an opinion, and I beg leave to say, that I still think the system adopted at the time, if persisted in, would have been advantageous to the Empire. Why, my Lords, after the system was taken up, and announced, it was thought expedient to form another opinion, I protest I cannot inform you; for though I have heard many rumours, I can only say, that I found no reasons to satisfy my mind of the propriety, the wisdom, or the policy of a departure from the system which had been formed, and on which the Cabinet had committed itself in the eyes of Europe. When I found in my colleagues this disposition, duty to my King, respect to my country, and permit me to say, my own feelings, pointed out the only line which I had to pursue—I laid those seals at the feet of His Majesty, with which he had been pleased to honour me for so long a time, and which I trust were returned as pure and unstained as they came into my hands. I thought this the proper course of honour, as I could not subscribe to the unexplained change of opinion which had taken place, nor agree to give my countenance and sup-

port to a system directly the reverse of that which on the most deliberate reasoning had been adopted. I did not think it incumbent on me to do more. I did not think myself called on to come down to my place at the moment, to explain the reason of my having solicited His Majesty's permission to retire from office. Respect to my colleagues made me feel it right, that their new system should not meet from me any impediment.— There is but one point on which I take blame to myself, and for which I consider myself as bound to make an apology to your Lordships—I was wrong in common with my colleagues, I acknowledge my fault, and beg your Lordships' pardons—I mean, my Lords, in resisting all explanation, when called on, and pressed for it on the subject of the message and armament, and for not meeting the question fairly. Though there are occasions undoubtedly when liberal confidence must be given to His Majesty's Ministers, yet on a subject so consequential as a message, announcing an armed interference with a foreign power, the nation has an undoubted right to explicit explanation. My reflections on this great question have impressed on my mind this truth; and I am sure, that if in this instance this course had been followed, if the causes which had induced His Majesty's Ministers to bring down the message had been candidly explained, the nation at large would have given their concurrence to the system which was adopted.

My Lords, I am only answerable for the sincerity and integrity of my opinion---for its wisdom I cannot answer. Noble Lords may differ from me on grounds which are not to be refuted; but they will pardon me, if I say I have not yet heard reasons to induce me to change my opinion. It is said that Oczakow, the object of their interference, was really of no value. I will content myself with saying, in answer to that assertion, that the Ministers of Russia, from their uniform language while I was in office, and from their uniform conduct since, have proved that they thought it an object of value. If it was of consequence, my Lords, not to sacrifice the balance of Europe, Oczakow was important; and it is not a new subject of alarm, that the designs of Russia upon Turkey did threaten the balance, and were of consequence to be resisted.— As far back as the reign of King William, there was a serious alarm taken at the approach of Russia towards Asoph, as it was

and fair investigation of their measures, they might receive the judgement of the House upon the merits of their conduct.— Now let us see, said his Lordship, if Ministers are of the same opinion with him ; he feared much they were not ; for instead of information, or any species of investigation, even of the papers on the table, a motion was made for the previous question ; a very satisfactory mode of explanation surely. Ministers tell noble Lords that they voted on confidence last year ; but there is no occasion for them to be informed or satisfied concerning the nature of the measure, or the particulars of the negotiation which they had agreed to. In justice to Ministers, however, it became the dignity of their Lordships to be satisfied as to their conduct, and to pronounce the praise or censure which ought to follow their measures ; and in justice to themselves, it became their duty to satisfy the country, and their own consciences, that they had taken the first opportunity to examine and understand the business, which they had so readily agreed to, without any knowledge of its consequences at the time. This, his noble friend who spoke last, as well as the noble Earl (Elgin), thought quite unnecessary, and by a sort of parliamentary injunction, called upon their Lordships to extend their confidence still farther, and vote approbation to Ministers, without any previous knowledge of what they are to be commended for. His noble friend had said that Ministers had done right in two respects, first, in arming to demand Oczakow from Russia, and to agree to a peace without having obtained it. This certainly was a good way of determining that Ministers were right at all hazards ; but how their Lordships could solemnly agree to such doctrine he knew not. With regard to the resolutions moved by the noble Earl near him, his noble friend had admitted that the facts they contained were all true, but would not admit the conclusions that necessarily followed, because they appeared like a censure upon Ministers. Whatever his noble friend might think of the Russian trade, he considered it to be of the greatest importance to Britain, and almost indispensably necessary to this country. He then came to inquire what the objects of our armament and negotiation were, if to aid the Turks ; the result had shewn, that we had not been able to do any thing for them, which they could not have done without us. In an early stage of the debates last

year it had been allowed, that there was no obligation on us to interfere, by any existing treaty with Prussia. It had been said, that we owed much to Prussia in settling the affairs of Holland; this he would allow, and that Prussia was a very good ally; but certainly the interference of Prussia, on that occasion, was of much more consequence to Holland than to us; and yet he had never heard that the gratitude of Holland had dictated to her to meddle in this quarrel, although she owed more to Prussia than we did; and after all that had been said, he would ask of what utility or benefit to Prussia had our mediation ultimately proved—none that he knew of. His noble friend had argued this point generally. He should like to be informed how it was possible that Oczakow, remaining in the possession of Russia, could affect our ally Prussia? Even if there was to be a war between them, no man could imagine that she would enter the Prussian dominions by the way of Oczakow; he therefore could not see what dangerous increase of power Oczakow gave her over Prussia. And he was at a loss to find out how we who had readily guaranteed the whole of the Crimea to Russia could be under any alarms or apprehensions about her possessing Oczakow, and the barren desert between the Bog and the Dniester and Budziac Tartary. The armed neutrality had been mentioned as no great proof of the friendship of Russia towards this country. He certainly could not say that His Majesty's Ministers had acted upon principles of revenge; they had acted upon principles purely British; for amongst the papers in their Lordships' hands, they would find that in the memorial of Count Osterman, when the Empress hinted at her protecting all neutral bottoms, and allowing them a free navigation, as it had been a testimony of her inclination to serve Great Britain, the answer of Mr. Whitworth and Mr. Fawkener breathed nothing but rapturous joy, confidence and satisfaction, for the communication, which seemed to dispel every difficulty which had previously occurred in the negotiation. Before this period they had been settling boundaries to the Russian Empire, planning divisions of the district of Oczakow, and the country between the Bog and the Dniester; but as soon as the Empress declared her wish to protect the neutral system, all these considerations vanished; memorials and counter memorials, letters and answers, demands and concessions, went on, and our able nego-

ciators were inclined to guarantee the Crimea, to state no boundaries to the Russian dominions, and to grant whatever she required. In addition to what he had said on the importance of the Russian trade, he would observe, that of all the potentates in Europe, it was the interest of this country to keep up a good understanding with Russia. He had likewise noticed before, that we were not bound by any treaty of alliance to meddle in the dispute between Russia and the Porte. Where then was he to look for that mysterious secret cause of our interference? He really still believed there could be no other cause but that of Oczakow, and how far that was a good cause he would notice for a moment. It was notorious to all Europe that Russia had declared the terms upon which she would make peace fourteen months before we agreed to the very same terms, and those who said that Ministers were right in their first demands, and then right in relinquishing them, seemed to forget that after an expensive armament and protracted negotiation, they had desisted from a claim which they knew they could not accomplish before they began to arm. His idea of armaments agreed perfectly with that of the noble Earl (Kiinnoul); they were not to be entered upon without a strong existing necessity, because they were always accompanied by the most pernicious effects, ruinous to the funds, to the commercial interests, and to the manufactures of the country. He was a good deal astonished by the arguments of some, who seemed to think nothing of the expences of an armament, when they had money in hand to pay for it; and it would appear there were at present such great overflowings of cash somewhere, as sufficiently justified Ministers for their frequent armaments. It was not long since the country was called upon to provide for defraying an armament against Spain; and so much was it liked, that it appeared they had allowed so much more than was necessary, that the Minister was encouraged to enter upon another almost immediately, because a part of it could be paid by the savings of the former; thus,

• “ The funeral bak’d meats did coldly furnish forth the marriage
“ table.”

• This might be thrift with the Minister of the present day, but he did not understand that right which some people seemed

to think Ministers had to play the fool; and indeed they had shewn that they were not inclined to omit any opportunity of doing it, lest another might not occur. He was told that we had purchased a peace in this manner; now, he had no objection to the purchase, though he disliked the bargain, because we had, by the armament and negociation, bought at great expence what we might have got for nothing. For he contended that it was not to the expence or extravagance of the Minister's projects that we owed the peace; on the contrary, it was universally known that we owed it to the complete and total failure of his absurd measures. Still, then, we were ignorant of the secret object of the Minister. An endeavour had been made of late to rest it upon the free navigation of the Dniester; this, he owned, he did not perfectly comprehend, nor did he know of what nature that free navigation was, or who would be benefited by it. If it was ourselves or the King of Prussia, it might be a question, in case we wished to participate the advantages of it, how we were to get at it; but why, if this was the principal object, was it never heard of till now?—this appeared to him rather curious. He had been informed, that a tragedy had come out at one of our theatres this winter, wherein the principal hero of the piece did not make his appearance till the last scene of the last act, and this, he thought, was a similar instance; for though it was said to be a very important advantage, it had never been heard of till the negociation was concluded, the former objects of the armament given up, and the failure of our whole system had occasioned a peace, which was surely introducing it in what might be called the last scene of the last act. It was clear that Russia had proposed her own terms, which we had refused; and after all, she had carried the point for herself without our mediation. Ministers, when called upon to produce the preliminary articles upon which the treaty of peace was concluded, had said that they had received no authentic or official copies of them; and he thought nothing could be a stronger proof that our mediation was not of the smallest consequence to the negotiating powers, than that they had thought it unnecessary even to furnish our Court with official copies of the preliminary articles. It certainly convinced him that we had nothing to do with the peace that followed these articles. He noticed a noble Lord's observation, relative

to the practice of impressing seamen, that though necessity had induced us to think that we had the power, if we meant to retain that power, such as it was, we had better be prudent in the exercise of it. He recurred to the motion for the previous question, which he thought the most extraordinary and unbecoming the dignity of the House of any thing that Ministers could have attempted; and when they laid papers upon the table he never thought that it was meant to let them remain there unlooked at, or, when examined, to be passed over in silence; such conduct could add nothing to the characters of, or the claims of confidence of, Ministers, and would ultimately tend to lower the British name in the respect and esteem of all other nations.

Lord GRENVILLE said, that it never was desired by His Majesty's Ministers that they should receive from Parliament any other than constitutional confidence. They had never abused the discretion, which had been placed in them. It was not always a matter of course, he conceived, that when they acted upon confidence in the outset of a measure, they were to be censured for their conduct in it. But certainly if they were so, they could not apprehend censure, from the justice of their Lordships, without their having first called for every possible paper that office could exhibit, not only as applicable to the specific object, but to every thing collateral—to all the negotiations which had been carried on with all the Powers of Europe—and it was for the wisdom of the House to say, whether they would go those lengths for the sake simply of finding ground for complaint. He was aware of, and indeed he expected to find the idle and vulgar prejudices, which had been spread out of doors, that this country had no occasion for foreign connections—that it was our best system to stand alone. Such prejudices had been industriously spread out of doors—but this unfounded doctrine, this delusive and dangerous policy, no one noble Lord had ventured to advance that night. He mentioned the rumours only to rejoice that they had met with no countenance from their Lordships. But though it was certainly untrue, that we could safely and prudently stand alone, it was true that we had no ambitious objects to pursue—we had nothing to gain—we wished only to remain as we were, and our alliances could only have the tendency of maintaining the balance of

power. Our principles were pacific. It was known to Europe that they were so, and it was a matter of pride, that standing on the high eminence which we did, we exerted our power only for the maintenance of peace.

Such was the true object of our late interference. Our ally Prussia, had substantial reasons for alarm at the encroachments of Russia on the Porte. They threatened the overthrow of that balance which was necessary to the general tranquillity. It was evident that the object of Russia was to become maritime; and he desired to know if that was an object favourable, or even safe for England? It was an acknowledged fact that if ever she did become maritime, it was to the friendship of England that she owed it. How far we were justified in forming hopes of grateful return, no person could more truly inform their Lordships than the noble Earl who spoke last. He certainly had had the means of knowing, in a very critical moment for this country, the true nature and value of the friendship of her Imperial Majesty. Oczakow was said to be of no value in the hands of Russia. He denied the fact. In the hands of Russia it was important, because it could only be for offence. To the Porte it could only be of consequence for defence. It was precisely on this distinction that the alarm had been taken. Such was the opinion of their ally. Such had been adopted as the opinion of the Cabinet, and upon this opinion they acted. But when they found, that not only in the two Houses of Parliament there were a considerable number of persons who did not agree with His Majesty's Ministers in this view of the object—and still more so when they found that this sentiment was taken up by a great number, if not a majority of the people out of doors—it became a new question, whether with a divided people, they should persist in a prosecution of the object.—They with a proper deference to public opinion, determined, that it was not proper to risk the hazard of a war under such circumstances. Such was his opinion—such ought ever to be the influence in a popular Government of public opinion, and he should ever yield to its sway. No doubt, the Empress, who by various channels must have heard the effects of this divided opinion, would also regulate her conduct upon it. The consequence of these considerations was, that they determined to give up so much of their original plan as regarded Oczakow.

Upon this the noble Earl had exerted an abundant portion of his wit, in saying, that Ministers were to be defended, first, for demanding Oczakow to be given up—and secondly, for consenting to its being retained. He confessed it was with astonishment he had heard this sort of ridicule from the noble Earl. Did no part of the noble Earl's life furnish him with instances, when under different circumstances, he might be constrained to give up at one moment, what he had struggled for at another? In no very distant times the noble Earl might have traces of this sort of compulsion! But it had been said, why keep up the armament, when they had, in their own minds, abandoned the object? There were other circumstances which made it necessary to keep up the armament for a certain time. The noble Earl had accused Mr. Faulkener and Mr. Whitworth, of having, in their memorial, applauded the Empress for her expressions respecting the armed neutrality. How the noble Earl could justify that kind of raillery, at the expence of those gentlemen, he left to him to account for. The free navigation of the Dniester had also afforded him a subject for merriment. But was it a matter unknown to the noble Earl, that the Turks draw considerable quantities of grain from Poland; and that when Oczakow was given up, it became necessary that this channel should be secured to the Poles, on the one hand, and the Turks on the other?

The noble Lord then took a review of the recent transactions of Europe, in all of which His Majesty's Ministers had had some influence—as far as they had exerted their influence to restore things to the *status quo*—the balance which it was thought necessary to poise. A treaty had been formed through the mediation of the allied powers between the Emperor and the Porte, on the basis of the strict *status quo*. Peace had been re-established between Russia and Sweden, not certainly by their influence, but on the same basis. The Netherlands had been restored to the House of Austria, and the ancient constitution secured to the people on the mediation of the allied powers—and peace had been also established between Russia and the Porte on the basis of the *status quo*, qualified only by the retention of Oczakow. All this had been done in the true spirit of the pacific principles by which we were governed. It was a glorious distinction for England, that, placed on a pinnacle of prospe-

riety unprecedented, not only in our own annals, but in the history of all other nations, she exerted her power not for aggrandisement and ambition—not to profit from the distractions of other countries—not to cherishing any mean sentiment of revenge for wounds inflicted in the moment of our weakness—to seize in our turn the moment of advantage, and perpetuate the disorders that ravaged a neighbouring and rival people. That with the means of unprecedented influence she exerted it for the peace of Europe, and desired only to be felt and known as the friend, and not as the disturber, of other nations.

The Earl of GUILDFORD said of the personal allusion to himself, that he had now been ten years out of office, and as often as these kinds of animadversion, out of season, had been made on his Ministry, he had challenged them to name a day for specific charge, and with this single answer had uniformly passed on to the proper business of the day. He replied to the misrepresentation of what he had said of Mr. Faulkener. He had spoken of his memorial to prove that Ministers had certainly not made the armed neutrality a subject of complaint.—He concluded with saying, that the noble Lord had proved, that, through our great power, it had cost the Turks fourteen months time to get possession of what the Empress had generously offered them, but Sweden had got a peace at once, because we had not interposed.

Lord HAWKESBURY explained.

Lord STORMONT entered into so wide a field of argument, that we can only give the substance of some particular parts of his speech. After complimenting Lord Elgin upon the ability with which he had spoken, and the judgement and prudence he had shewn in what he did *not* say, a rare quality, and particularly useful in the career in which that noble Lord is engaged, his Lordship said, that he did not conceive how it was possible for Ministers to escape from the pressure of this alternative—"Either the objects contended for were, important to the great interests of this country, or they were not." If those interests were not concerned, then confessedly was the armament made without an adequate cause. Take the other side of the alternative, and maintain that the terms obtained by Russia materially injure this country, either immediately, or through the interests of our allies, then have those

feared, that should she, by degrees, get up even to Constantinople, she would become a maritime power, and be formidable in the Mediterranean. It has been evidently the plan of the Empress to press upon the Ottoman Porte, and her designs were viewed with jealousy by our ally, the King of Prussia.— Now though we certainly were not bound by the letter of the treaty, existing with the Court of Berlin, to take measures with him to prevent the dangerous extension of the Russian Empire, yet that liberal construction of a friendly treaty, which sound policy demanded, and which I trust it well ever be the character of this country to make, demanded that we should enter into view as truly for our own permanent interest as that of our ally. Your Lordships will recollect, that at that time the jealousy between Prussia and the House of Austria, who might be called natural rivals, if not natural enemies, was in its full force. Happily for themselves, and happily for the peace of Germany, these two great powers have now drawn towards one another in a more cordial way than was ever known before, and I sincerely hope their friendship will be permanent. But then their mutual jealousy made them naturally fearful of every accession made by other neighbouring powers, and the conduct of Russia did excite the apprehensions of Prussia. Such, my Lords, was the ground of the system on which I acted— It was thought adviseable to change it; and Russia has been permitted to make an acquisition, which I think dangerous and inconvenient. I shall be happy to hear, that the people of England are content with the conclusion of the negotiation, and that they think the armament has been accompanied with advantage to the country.

I dare say that there were well-weighed reasons of state policy that induced my colleagues in office to change their plan. What these reasons were never came to my ears—but after the debate in the other House of Parliament, they balanced, no doubt, the national object against their risk, and they determined, for reasons that I do not pretend to divine, and that I certainly cannot justify, to abandon the precise object of the armament in the very moment that it was begun.— My Lords, no man can feel more sensibly than myself the extreme delicacy and importance of a national armament. To involve the country in a war, or in measures that may conclude

in war, are the most serious, and the most daring measures that the servants of the Crown can resolve on ; but when a sense of painful duty calls upon them, it would be treacherous in them to shrink from the task. Such was my feeling. It has been asked why, when it was determined to mediate with arms, it was not sufficient to rest on the strength of a mere demonstration, and why we determined to proceed to an actual, effective, armament---disturbing the commerce, imposing a large expence, and by the act of impressing, violating for a time the constitution of the country? To all this, my Lords, I answer, that when the Cabinet determined to announce to all Europe, that they were to mediate with arms in their hands, I did not think it safe to trust the high honour of the country to a mere demonstration. Having committed ourselves, I would not suffer the issue to be doubtful.

Much has been said about the navigation of the Dniester, and my noble friend (the Earl of Guildford), with his usual talent for wit and ridicule, has put some questions in so forcible a point of view, and adapted his illustrations with so much felicity, as to provoke the mirth of the House ; but, my Lords, surely the alternative is reconcileable. When Oczakow was given up, it followed of course that the navigation of the Dniester must be an object of dispute---an object to be settled by treaty. It became, indeed, the hero, but not until the first leading object on which we had committed ourselves, had been abandoned.

The noble Duke then paid a very handsome compliment to the talents, integrity, and conciliating manners of Mr. Faulkener, whom he had long known, and who perhaps was every way the best qualified gentleman in England for the commission with which he had been charged. His Grace concluded with a short repetition of the cause of his resignation ; it was produced by that sense of duty which made it impossible for him to hold a situation, the duties of which he could not execute without the dereliction of opinions which he had maturely formed, and the embrace of others of which he totally disapproved. He came forward now to say thus much in explanation of his conduct, now that an end was put to the measures on which he had differed with his colleagues.

The House then divided on the previous question, put on the first resolution :

Contents	73	Proxies	9	Total	82
Not Contents	18	Proxy	1	Total	19

Earl FITZWILLIAM then moved the other six resolutions severally, and on each of them the Earl of Elgin moved the previous question, which was put and carried.

The House adjourned.

Tuesday, 21st February.

Their Lordships, immediately upon meeting, adjourned to Westminster-hall.

Thursday, 23d February.

Their Lordships being returned from Westminster Hall, sent a message to the Commons, that they would proceed farther in the trial of Warren Hastings, Esq. on Wednesday next ; and then adjourned.

Friday, 24th February.

The Lords, on the motion of Lord PORCHESTER, were summoned to attend on Monday next.

The House adjourned.

Monday, 27th February.

Lord PORCHESTER said, he rose to call the attention of their Lordships to the subject of the late armament against Russia, and he hoped for their indulgence and patient hearing, although he well knew that whatever fell from him on the present occasion would be of little weight, after the exertions and superior abilities that had been displayed by his noble friends in the last debate upon the same subject, had failed.—What he wished to impress on their Lordships' minds was, that Ministers had abused the confidence reposed in them by Parliament, and had entered into, and carried on, an expensive, unprovoked, and useless armament, the consequences of which had proved it unnecessary, extravagant, and foolish, in every

view that it could be taken. He condemned, in the severest terms, every shadow of a cause that had been offered for it by His Majesty's Ministers, and affirmed, that the result would bear him out in all that he stated. The Ministers had last year come down to the House with a message, requiring and soliciting the concurrence of Parliament to their hostile measures against Russia; this they had obtained on confidence entirely, and no sooner had they obtained this sanction, than they abandoned the only object which they pretended to have for inducing Parliament to agree to an armament without knowing the grounds upon which they were called to arm. This, and all that he meant to trouble their Lordships with, he was warranted to state from the speech of a noble Duke, whom he trusted he might call his noble friend, and who had shewn himself the friend of his country. In that speech, however much he might differ from the noble Duke as to the value of Ocza-kow, in the general balance of power in Europe, there was enough to entitle the noble Duke to the thanks of his country, for his manly disinterestedness, and the fair declaration of his sentiments; a declaration that did honour to his feelings, and certainly was of the greatest consequence to all who heard it, and to the country at large. The noble Duke who held that situation in the Cabinet, which entitled his information to much respect from them, had come forward like an honest man, and told them his reasons for approving of the armament, and that he had not formed it hastily; he had then told them why he resigned, though he owned that he was still completely ignorant of the cause which induced his colleagues in office to abandon a system that had been fixed upon after the most mature deliberation. The noble Duke had likewise taken shame to himself, and told their Lordships so, for the part he had acted last session; he was ashamed, that he, as a Minister, should have come to that House to ask the confidence of their Lordships to sanction a measure attended with destructive and ruinous consequences, and, with as much dignity as propriety, had said that, upon reflection, he was convinced that asking a blind and unlimited confidence from Parliament on great and hazardous occasions, was highly indecent and improper; and he had particularly stated, that it was the duty of Ministers, before they proceeded on any measure that was likely to involve the country

in war, to lay such information before Parliament as would justify their conduct. Finding, however, that the present administration entertained no such constitutional ideas, his Grace could no longer act with them, and had resigned; all this, he contended, shewed in the most striking light the way in which they had trifled with the House, and with the dearest interests of the country, in a moment of danger, when prudent, wise, and cautious conduct would have been much more becoming than rashness, folly, and insignificant threats. He said, they had opened the session by a promise in the King's speech to lay before the House all the papers relative to this business; but had they done so? No. He would challenge any noble Lord in the House to find any one paper, or article in any paper on the table, that could in the least justify their conduct; and especially after the impression which the noble Duke's speech had made on the House, he trusted that they would at least find it necessary to say something in their own defence, and not endeavour to pass every thing over in sullen silence and mysterious secrecy—a conduct that had been too common of late, and which required an overstretch of confidence, that must ultimately be extremely prejudicial to the constitution of this country, much as they pretended to value it. He desired them to point out any one object that we had gained, or any service that we had done to our allies; in short, they had equipped an armament against Russia, with whom we had no real cause of quarrel; they had put the country to heavy expence, interrupted our commerce for the time, and impressed our seamen, all without any fair or just grounds. Prussia had received no advantage from our mediation, nor was it more useful for the Turks, for they had shewn that in making a peace it was not even necessary to consult us. He came then to answer the arguments used by a noble Lord on a former night, setting forth how much we owed to Prussia, and how little to the Empress; and having gone minutely into the origin and progress of the whole transaction, he saw nothing but the folly and iniquity of our rash and unnecessary interference; he could not listen to any arguments founded upon idle jealousy about the increasing power of Russia in the general balance, or principles of revenge for her past conduct to this country; our measures, he asserted, in the whole of this negotiation, were well known at every

Court on the Continent, and wherever they were known, they had made Great Britain, for the first time, ridiculous and insignificant in the eyes of all Europe. But it was said we had finally procured a peace between Russia and the Porte, and settled the general tranquillity of Europe, which, he said, would have happened without our interference, and was to be ascribed to this cause alone—that we had luckily failed in the whole of the system which our Ministers wished to pursue. .

He then made his motion as follows :

“ That His Majesty’s Ministers have abused the confidence
“ reposed in them by this House, in an address of the 29th of
“ March last, which passed without any information commu-
“ nicated to us upon the representation of the “ necessity of
“ making an addition to the naval force of the kingdom, for
“ the purpose of supporting the interests of these kingdoms,
“ and of contributing to the great and important object of re-
“ storing the tranquillity of Europe on a secure and lasting foun-
“ dation,” by continuing, at a great expence, and with great
“ hardship to the British seamen, the preparation of that force,
“ after they had determined not to employ it, but to close with
“ the conditions offered by the Court of Peterburgh so early
“ as the 26th of May 1790, repeated frequently, and invari-
“ ably adhered to by that Court, which they have since ac-
“ cepted as sufficient to support the interests of these kingdoms,
“ and to restore the tranquillity of Europe on a secure and last-
“ ing foundation.”

Lord RAWDON said, extraordinary as the conduct of His Majesty’s Ministers had been throughout this whole affair, he could not have imagined that they would carry their disregard of appearances to such a length, as not to offer any exculpation, when so serious a charge as that contained in the motion was exhibited against them. The affectation of silence might be a convenient cloak for those who knew that any specific defence they could offer, must be replete with inconsistencies ; but it was a species of evasion that so obviously marked the weakness of a cause, that he trusted it would meet with no countenance either in that House or with the Public. Was this the return which Parliament had reason to expect for a confidence, liberal beyond precedent ? Was the moment never to arrive, in which they were to be instructed that their confidence was not

abused? Had Ministers *no plan* of conduct, that they were thus apprehensive of making such an avowal? If otherwise, why not bring forward that plan to the test of discussion? The manly declaration of a noble Duke, lately in high office, took away every pretext that had been urged for reserve, through apprehension of possible mischief from the communication of documents. We participated in the regret of that noble person, that he had not at the time declared the motives of his dissent from Ministers. This declaration, so coincident with the public sentiment, would have been highly impressive. Was there, he would ask, any person, who knew the noble Duke, who could, for an instant, suppose that he would come forward with a disclosure that it was improper to make? The inference, therefore, was, that Ministers might with safety have laid the negotiation before the Public, and were only withheld by the consciousness that an exposition of their own errors was inseparably connected with such a statement. The noble Secretary's retreat from office rung an alarm through the country—the hands of Opposition were strengthened, and Ministers, compelled precipitately to abandon what they had rashly adopted, sent for the *courier* of peace.

If the object originally in view was really worth arming for, it had been prosecuted in a manner the most whimsical, in which a point of such importance had ever been followed; the object was stated to be, the prevention of any dismemberment of the Turkish empire, by the arms of either Imperial Court. Observe how this purpose was conducted; Sweden, either stimulated by private injuries, or moved by your instigations, had attacked Russia with the utmost vigour. In the King of that country we found an ally, intrepid and enterprising; not one whom it might be necessary to urge to lukewarm exertion on our side, but who was already *matched* with Russia. He was applauded; promised support, urged to perseverance, and then abandoned. Could not the gallantry of the man plead for his support? Must *our* alliance and treachery be thus intimately connected? and was no compunction felt at the idea of having exposed, by our instigation and neglect, to the cool, deliberate resentment of a mighty Power, one, whose principal resource was in the greatness of his own mind? If Ministers meant war, co-operation with the force of Sweden was a policy so

clear, that it is inconceivable how it could be overlooked ; but the all-sufficiency of the British Cabinet contemned every advantage of that nature : the consequence was such as might have been foreseen. The King of Sweden, betrayed and deserted, not only made a separate peace, but has entered, through resentment of your conduct, into alliance with Russia. It was matter of surprise, that Ministers had not put it as a boast into the mouth of their Sovereign, on the opening of the session, that the policy of this country had produced between Russia and Sweden not pacification merely, but amity and specific league against any future violator of the tranquillity of the Baltic.

His Lordship then adverted to the conduct of Ministers towards the Emperor. How had they served their Turkish ally in this case ? The preliminary treaty at Riechenbach, confirmed at Listove, laid down the *status quo* as the *basis* of negociation. The Emperor, finding Turkey under the special protection of England, construes this to mean the *status quo de jure*, according to the treaty of Belgrade, demanding the whole course of the Unna as his frontier on the side of Bosnia. The Turks object that they had rejected that construction after the treaty of Belgrade, and that they had then declared they would renew the war, were the claim insisted on. The Emperor perseveres, and the Turks yield. This position, on the back of Bosnia, which hitherto has been the bulwark of the Turkish empire on that side, must make that province soon sensible that the only permanent security it can experience, must arise from attaching itself to the Emperor. How grateful must the Sultan feel, for a mediation that thus abridged his dominion !

Ministers had resolved that, in respect to Russia, facts should stand as bare of any explanatory comments as possible ; they had, indeed, laid some papers upon the table, but it was visible, that as they were only answering to their country at large, they thought it unnecessary to adhere to the qualification of legal evidence, namely, the truth, and the *whole* truth.

They first laid on the table, as being all the documents referable to the subject, a set of papers, from which the keenest perspicuity could never have inferred that there had been the smallest difference between the Courts of Peterburgh and London. He supposed Ministers had recollected themselves afterwards, and had become aware that an armament would

appear rather unaccounted for, if not a syllable, expressive of dissatisfaction, appeared in all this correspondence with the Empress. The noble Secretary of State, therefore, laid other papers upon the table, which, by the dates, their Lordships would perceive ought to have been inserted early in the series of documents laid before the House ; still, these papers suggest no pretension, on the part of Russia, which could furnish a rational ground for plunging this country into a war. When he heard the noble Secretary of State, on a former day, advance that the Empress had demanded the erection of Wallachia and Moldavia into an independent kingdom, to be governed by an hereditary Christian Prince, he had been astonished at the assertion ; because, in the very documents with which Ministers had condescended to favour the House, it appears, that this proposition is, both in letter and spirit, submitted entirely to the decision of the friendly and impartial Powers ; that is to say, Great Britain and Prussia. Such a misrepresentation could only have the momentary view of winning the votes of the reverend Bench of Bishops, through the just indignation which might be supposed to be excited in them by this impudent attempt of the Empress to secure the preponderance of the Christian religion in those provinces. A noble Lord, (Elgin) from whom, at a future day, this country would probably receive considerable support, had spoken, in a former debate, of the advantages to be derived from the navigation of the Dnieper. Maps, to be purchased in every shop in Vienna, might have shewn that Oczakow could not command the navigation of the Dnieper : that river was near three miles broad at the mouth, and a shoal ran from Oczakow nearly two-thirds of the way across. It appears, from General Manstein's Memoirs, that in 1739, when the place was besieged by the Russians, not one of the Turkish vessels which attempted to throw provisions into it, could get up to the town, because the channel forced them to keep close to the opposite shore, then in possession of the Russians. His Lordship ridiculed the idea that the possession of Oczakow would increase the maritime strength of Russia ; its defects, as a marine situation, were, from the preceding account, obvious ; as little could it be regarded as an additional force by land, as it had been represented by a noble Lord (Hawkesbury), and thence injurious to

Prussia. What were those great advantages which Russia was to derive from the possession of Oczakow and its district?— Could she make levies to recruit her army from a depopulated region, or draw treasure to replenish her exhausted coffers from barren sands? When it was considered how much these accounts were reversed; when it was found necessary to relinquish Oczakow, they had only to admire the facility with which Ministers changed their *points of view*!

His Lordship observed, that he would strenuously concur with that noble Lord in the position, that there was a feeling of honour due towards an ally, which ought to go beyond the mere letter of engagements; he trusted that the happy bond of union which had lately taken place between the two Royal Families, would animate Britain and Prussia to reciprocal services, far beyond what the fragile article of a treaty could secure; and he was certain that such a generous construction of the terms of alliance was always for the interest of the country that observed it: in this instance, however, no advantage could be pleaded for Prussia in forbidding the Empress to retain Oczakow, but such an advantage as it would be slander to asfert, the just and magnanimous Prince who now sat on the Prussian throne, would ever stipulate, namely, that Russia should continue to be exhausted, by the unceasing waste of blood and treasure, which the facility of attack from the Turks at Oczakow might be expected to occasion; and that thence Russia should be rendered less able to maintain a force in the neighbourhood of Prussia. This fomenting of calamities to other countries, that their debility might give you relative strength, had hitherto, to the disgrace of civilized countries, been too common; but a spirit of good sense and probity had of late most happily infused itself into the politics of Europe; and he hoped that the execrable system to which he had alluded was exploded for ever.

Of all the wretched policy of petty Statesmen, the most contemptible was that which threatened every thing, and performed nothing: to the exercise of such a policy the powers of Europe could not long be insensible; they were sensible of it, and estimated it as it deserved; dictatorial words had at length found their level and value; they were understood, and therefore ineffectual. A noble and learned Lord, (the Chancellor)

whose sentiments he was proud to quote, had happily defined the ancient policy of the French Court ; he had defined it to be “ a tissue of ridiculous fopperies.” The expression was as happy as the opinion was just ; this policy had sent them prying into every Cabinet in Europe ; it had rendered them insidious supplanters ; where they found amity and friendship, they sowed discord ; and a single spark of pique was quickly kindled to a flame. Of this policy what was the result ? It enabled them to attain petty ends at ten times their value, and to cause temporary inconvenience to their neighbours, at the expence of permanent inconvenience to themselves. He must be a nice casuist, who could draw a line of distinction between the conduct of our present Ministers and that of the Court of Versailles. Did this opinion want illustration, he had only to refer to our late difference with Spain. Was the cause of this rupture of so aggravating a nature, that it could not be adjusted ? Directly the reverse ; never was difference more open to accommodation ; but a prurient desire of making mountebank parade had seized on Ministers ; the mob were to be deluded ; and from such materials as arrogance, error, and degrading concession, was to be formed a tinsel wreath to decorate their brows. By the detention of some vessels, individual interest suffers a temporary inconvenience ; a *fracas*, which might have been settled by the appointment of two Commissioners, is swelled to the consequence and magnitude of a cause for a national rupture. Language, menacing and dictatorial, was held out to Spain ; that Court was not so lost in surprise, as to neglect the means of defence. She armed. England assigned this as the cause of her armament. These hostile arrangements continued on both sides, till this *momentous bubble* subsided in the convention. Would it not puzzle the most confiding friend of Ministers to assign any one advantage which was derived from this adjustment, unless it be deemed such to have it *ascertained*, that where we went before, we must go no longer. His Lordship declared, he was at a loss to know what to compare this *bravado* principle of Ministers to ; it bore no resemblance to any thing that was spirited, ingenuous, or manly ; one similitude, indeed, presented itself ; it put him in mind of the conduct of a child, who, getting hold of a large sword, swings it about his head, (for wield it he cannot) saying to

those about him, "See what I can do," till the weapon falls from his feeble grasp. The parallel might probably hold yet farther, as Ministers appeared to be equally insensible with the child to the ridicule arising from failure in the proper use of it. Former modes of amicably adjusting the differences of nations, were now totally disregarded; and threats and defiance substituted. "Thus far shall you go," was now the only tone to be heard. How long do Ministers intend to maintain this bullying tone? How long will they continue to appear magnificent in the parade of war—stunned by the first effort at resistance, and then, through a wounded pride, *trailing along* an expensive armament, which was never intended to have any other distinction than that of being the last to disarm. No circumstances, he observed, could ever erase the opinion he entertained of the past erroneous conduct of Ministers: in ascribing their conduct to error, he pleaded, in extenuation for them; were it to be ascribed to any other motive, how exemplary severe must have been the necessary atonement!

Ministers, his Lordship observed, in the result of their management, had bestowed advantages on every Power within the scope of their interference, excepting upon that which they stood forth to benefit. To Sweden they procured an alliance upon equal terms with Russia—a species of league always useful to the weaker nation: for Austria they had obtained cessions, after an unsuccessful war, which she could not command, after all the victories of Prince Eugene. To Russia they awarded the very district which they had armed to prevent her retaining; because they not only retracted their own menace to her, but they deprived the Porte of the hope that the extent of its calamities might at length induce them to render it that succour which they had so long promised; for they pledged themselves by a solemn declaration, (if, indeed, after their conduct, any declaration from Great Britain was to be relied upon) that should the Turks refuse the cession which they had formerly said they ought never to make, no check would be given by them to Russian vengeance, were it even to storm the walls of Constantinople. That the Turks were not insensible to this *stroke of friendship*, was evinced by their subsequent conduct. What share had England in adjusting preliminaries between Russia and the Porte?—None. Did she approve of them?

She was not permitted to see them. He wished their Lordships to recollect, that England, thus treated with indignity, was that Power the interposition of whose strength was to save the walls of the Turkish capital. He feared that barbarous nation had not refinement sufficient to taste the delicacy of the protection which had been *inflicted* upon them by the British Cabinet.

There was a book popular in the East, the Institutes of Timour, and he was apprehensive the Ottoman Ministers might have recollected a passage of it on the present occasion. "By experience," says Timour, "it is known unto me, that an injudicious friend is far more dangerous than an open enemy; for such a one, my firm and steadfast adherent, did to me, in his friendship, such mischiefs, as no enemy could have devised in the excess of his enmity."—The Turks might have thought that the miserable carnage to which our Ministers had subjected them, for fourteen months, by insisting that they should reject those terms which they at last joined to impose on them, was a sort of obligation that did not require any very warm acknowledgements: our interference was, in consequence, finally not even deemed worthy the decided tone of rejection—it was wholly overlooked. Gracious God! said his Lordship, is it possible for the Parliament of this country to look on tamely at such *expensive humiliations*? Are the errors of Administration only to be exceeded by the credulity of a *confiding* Parliament?

Amid this ostentation of vigour and exertion, Ministers started another claim paradoxically ridiculous! Could it be believed, yet such was the fact, that Ministers claimed to be the pacificators of Europe? In one point of view, the claim was not unfounded; their conduct had instructed Sweden, destitute of reliance on our faith, to form an indissoluble union with Russia; it had instructed the Porte, that peace alone could protect it from the treachery of our Councils; and Austria, whom we affected to oppose, acquiesced in the advantages we had obtained. To obstruct a peace she could have no longer an inducement; peace gave her leisure and opportunity to enjoy those advantages, which, with a degree of generosity peculiarly romantic, we had wrested from a friend to confer on an enemy.

At a claim, so seriously absurd, it was almost impossible to be grave ; it brought to recollection the regret of Candide, in Voltaire's 'Optimist.' " Certainly," says Candide, " I am " the best-tempered fellow in the world, yet this is the third " man I have killed already."

His Lordship observed, that though information was denied to him, and the noble Lords on that side of the House with whom he had the honour to act, the Minister ought to recollect, that the two Houses of Parliament should be considered as representatives of the country. He wished the noble Secretary to bring it home to reflection, that the voice of Parliament and the country are not to be distinguished. Outside the walls of those Assemblies, the people may indeed vent their dissatisfaction in murmurs ; but it is here only they can come to exercise their constitutional right—to demand information.

The Earl of CARLISLE said, there were various grounds on which he conceived the House ought to vote the motion of his noble friend ; the first ground was, the maintenance of the constitution, which had of late received so much praise from Ministers ; for what would it avail that we were in possession of a glorious and happy constitution, if the public conviction of that constitution was shaken ; and what could more effectually tend to shake it, than unnecessary wars, and the additional taxes imposed to support them : but unnecessary wars had not only been hazarded at a period when peace was peculiarly the line of policy which the country ought to have formed, a policy particularly pointed out to us at a moment when our old rival was broken down, and when an opportunity was afforded of reducing our establishments ; but at that moment, instead of peace being pursued, the meanest pretence had been seized for preparing for war. Another ground for voting for the motion was, that the Minister had procured a vote of money upon confidence, without having given any explanation at the time of his commencing the armament voted ; or since, for his abandoning such armament ; in so acting the Minister had betrayed a great, though a melancholy, truth, namely, that the Parliament was not the organ of the people ; when the Minister wished to stand upon the strong ground of confidence, he trusted to the breath of Parliament ; but if danger unforeseen stared him in the face, he made a distinction between the Parliament and

the people, and said he gave up his armament upon the opinion of the people formed elsewhere than in that House. His Lordship in reviewing the political objects of the armament said, he believed they might be found in the endeavour to obtain for Prussia, Dantzic and Thorn. He condemned the surrender of Oczakow, and ridiculed the point of the free navigation of the Dniester being stated as an object of the highest importance. He also charged Ministers with having on slight grounds commenced the Spanish quarrel, and taken more money from Parliament on that occasion than they wanted. Upon the whole of the business he concluded it might be said we had gained a loss.

The Earl of HARDWICKE defended Administration, chiefly upon the ground, that they had acted upon the opinion, and with the approbation of Parliament, declared by a great majority in both Houses, when the subject was discussed last year.

Lord Grenville and Lord Stormont rose together, but the latter sat down, when

Lord GRENVILLE said, he would not have attempted to interrupt the noble Viscount, but that he could not sit patiently and hear it brought against His Majesty's servants as a charge, that they would give the House no explanation, relative to the conduct with respect to the late negotiation with Russia, but that when called upon for their defence, they refused to answer, and obstinately persisted in preserving an inviolable secrecy, and a profound silence. It was but that day se'nnight, his Lordship said, when he had felt it his duty to trouble the House with a speech of considerable length, in which he had endeavoured to state in the detail, all the information that appeared to him necessary for their Lordships to be possessed of, in order that they might clearly comprehend the circumstances that had governed the conduct of His Majesty's Ministers, and the principles on which they had acted. As in that long and rather laborious effort he had endeavoured to state every thing that seemed requisite for their Lordships' information, he had flattered himself with the hope that the account he had then stated had proved satisfactory, and that in so short a space as six days, he should not have been told that Ministers had preserved a profound silence. The present motion,

though differing certainly in form from those made last Monday, tended evidently to draw on a discussion, similar in some sort to the former one; he knew not, therefore, how to answer the call of those noble Lords who had demanded explanation, otherwise than by going into a repetition of what he had stated in his speech of Monday last, but that must appear dull and tedious to the House, if given at the same length as before; he would, therefore as shortly as possible, state the principal grounds on which he rested, what he conceived amounted to a full and complete justification of His Majesty's Ministers. He then stated the objects of our interference between the Porte and Russia, in whose quarrels British interests were materially concerned, as well as the interest of our ally the King of Prussia. He described the ambitious views of Russia, to drive the Turks out of Europe and make herself mistress of the Black Sea, and thence render herself a maritime power, formidable to this country. That Russia had been long actuated by such an ambition, he said, was evident from the History of Europe, from which it might also be seen, that this country had thought it her interest to watch over and to prevent attainment of that object, as often as its approach appeared to be near at hand. He gave an historical detail of the conduct of Russia, with a view to accelerate this her great object from the time that Peter the Great ascended the throne, to the present period. He particularly adverted to the treaty between Russia and the Porte in 1736, when Great Britain and Holland united in an interference, and when France left it to them to take care of the interest of the maritime powers of Europe. After a full detail of the conduct pursued by Great Britain and Holland in 1736, and a statement of its effect, he said, however it might be denied out of doors, he trusted it would be admitted to him by every man within those walls, that this country had an interest in the concerns of the Continent, and most materially in the conduct of Russia. He then stated that it was to the favour of this country that Russia owed the weight she possessed as a maritime power in the scale of Europe; that we had repeatedly assisted her in that object; and that in the last war, when this country stood in a situation too well known and severely felt to render the painful repetition of it now necessary, Great Britain had flattered herself that she might then successfully call upon

the gratitude of Russia, and profit by that marine which had become formidable under her own auspices. How Russia at that time conducted herself was well known, and would not soon be forgotten. For any man to maintain that it was of no consequence to this country, whether Russia was permitted to drive the Turks out of Europe, and make herself formidable in the Mediterranean, as a maritime power, it might with just as much reason have been contended, that it was of no consequence to Europe, whether Lewis XIVth had been suffered to possess himself of the kingdoms of Spain and Portugal, when that ambitious Monarch aimed at that great object. On the late occasion, His Majesty's Ministers thought it their duty to interfere between the Porte and Russia, and in order to give weight and force to their negotiation, to arm in its support. But when they found, in consequence of difficulties thrown in their way, both here and at Petersburg, that their object was not likely to be attained, and most of all when they learnt that the people of this country were disinclined to go to war with Russia, they changed their opinions, and endeavoured to obtain peace for the Porte on the best terms that they could procure by every means short of going to war. In a Government constituted as that of this country was, he held it to be the indispensable duty of the executive Power to build its measures on the opinion of the people. On that opinion His Majesty's Ministers had acted, and he trusted no man would impute blame to them for having forbore to engage the country in a war, to which the nation had clearly shewn they were adverse. If he were asked, whether His Majesty's Ministers thought Oczakow an object of no importance, he declared he should answer that they all along thought it an object of great importance, both to Russia and the Porte; to the latter as an object of defence, to Russia as an object of offence; but then the importance of every object must be measured by the extent of the exertions, and the expence necessary to ensure it. So, having made this calculation, and learning that the sense of the people was against a war, His Majesty's Ministers, without thinking less than they all along had thought of Oczakow, had changed their conduct respecting it. The system to be pursued for this country at present, undoubtedly was a system of peace, a system proved to be the best, and acknowledged to be so by other Powers; to that

system His Majesty's Ministers were determined uniformly to adhere, and its continuance depended greatly on the general tranquillity of Europe. With regard to the papers withheld, they contained matter improper for general communication.— He admitted the right of Parliament to call for papers; nay he would not deny that there might exist an extreme case, when an occasion might present itself sufficiently strong to warrant Parliament's calling for all papers of every description, without regard to the inconvenience of publishing State secrets, but he could not consider the present as one of those cases or occasions. Hints had been suggested, that Ministers, to save their own honour, had tarnished the honour of their country; the honour of Ministers, and the interests of the country might sometimes be in opposition to each other, if ever such a case should occur, in his opinion, those Ministers, who did not, at the risk and hazard of all that was personally interesting to themselves, act for the honour and interests of their country, in his mind they deserved not only the severest censure, but the most exemplary punishment. He could not readily conceive that the honour of any Minister could be separate from the honour of his country. Sure he was, that the latter ought to be the sole object of every Minister, and should ever be his. After having very amply urged the circumstances which he considered as a full justification of His Majesty's servants, his Lordship apologized to the House for having so long intruded on their time, and said, that as long as he should have the honour of continuing in office, he should hold himself responsible to that House, and to his country, for every measure of Government, and should be ever ready to stand up and avow the principles on which such measures should be taken. He justified His Majesty's message of last session, on the ground of parliamentary precedent, and reminded the House, that they had last year honoured His Majesty's Ministers with an express vote of approbation for their conduct with regard to the Spanish armament, which had not, he said, been occasioned by the casual meetings of two ships, but in consequence of the insult this nation had sustained by the avowal of the injury done by the Court of Spain, which declared it had authorised what had happened, and at the same time stated claims unheard of before, and which were inconsistent with the honour and interest of Great Britain.

With regard to the motion on the table, as the House had lately given its opinion on the subject, and as he was not aware of any thing having happened within the past six days to induce them to change it, he trusted that the majority of their Lordships would concur with him in giving it their negative.

Lord DARNLEY said, he had troubled their Lordships so much at length a few days since on the subject of the Russian armament, that he would only intrude upon their Lordships' time for a moment or two. He then said, that he concurred in the motion made by his noble friend, because Ministers had not obtained their object by the armament. They had declared they had called upon the country to arm, in order to prevent Russia from aggrandizing herself at the expence of the Porte, their armament had not prevented Russia from doing all that she either intended or desired, and therefore they merited censure for having put the country to a needless expence.

Lord LOUGHBOROUGH said, that the topic seemed to him to be of very considerable importance. It was so to the people of this country, for it involved a consideration of the most material interests. It was so to the Ministers, for it took into view a material part of their conduct. The noble Secretary of State had said he could do but little more than recapitulate what he had said on a former occasion, for this there seemed to him to be no necessity; for the question lately discussed in that House, and the one now before their Lordships, were so different, that they could be considered even without a reference to each other; the present subject had nothing to do with the former debate. It was true, that they both arose out of our late armament against Russia, and so far they might be said to be connected, but there ended their connection. For, on the former occasion, the whole turned on a question of fact, and a general conclusion on that fact, whether Parliament should agree to support an armament against Russia; on which topic there was much discussion, and the political interests of this country and of Russia were involved in it, and yet the whole of it might have been followed up to the present moment without there being any idea of the present motion. It gave him pleasure, however, to learn from the noble Secretary of State, in his allusion to the debate of last year, that the disposition still is

of this country, to be pacific. This was a point that was mentioned with very becoming force, and gave him considerable pleasure to hear. Thus stood the point generally. On the occasion of that debate there were some reasons given; it was true, he thought them very insufficient, but there were some reasons given why a pacific system should not be pursued, and therefore a considerable armament took place for obtaining certain purposes; and here he must observe, that when any measure of such hostile preparation was adopted, he held it to be essential to the honour, wealth, and ultimately to the prosperity and happiness of this country, that we should evince a character, that our resolutions, justice, force, and firmness were seldom or never severed from each other: nothing would contribute to the respectability, and even to the economy of a country more, than the character of firmness in this respect.—Parliament, confiding in the officers of the executive Power, agreed to this measure, and, in his opinion, much too hastily, for we should not be too ready to dictate to others by armed force under the title of negotiation; attempts to disturb the tranquillity of Europe were not honourable to us. Whether the conduct of Ministers was quite so able in the origin of the business as their best friends could wish, was not a question now to be discussed. Supposing it to be so, the motion of his noble friend was not on that account the less necessary. For the question was not now, whether they ever deserved confidence from Parliament; but whether, after having that confidence, they had not abused it? Upon this subject, Ministers seemed to him to have no apology to offer; for the armament, when agreed on, was granted with a view not to proceed to actual hostilities. The opinion of the Public was decidedly against it. He believed, that the opinion even of Parliament was against it. He was convinced, that the discussion in that House, and in another place, opened the subject to the public view very much, and that it was very odious to the Public. He was convinced, that the vote given in favour of this armament, was a vote purely of confidence; not confidence that the force was wanted, but that it would not be used. What arguments could be urged in favour of such a measure, what demonstration could be made of the utility of having a force that was not to be used, he was not able to discover. But it was matter of

indifference to him, whether this armament was of consequence, of advantage to this country, or of no advantage. Whether the territories contended for by the Empress, were fertile or barren. The question now before their Lordships had no reference to these points. It was merely whether confidence had been abused? He could not, however, help remarking on the variety of points with which Ministers offered to defend themselves. At one time Oczakow was represented as a place of the greatest consequence, and the Empress must not have it.—It was of the greatest consequence to the Turkish Empire that she should give up the possession of it immediately. This was the language of the address to the King, when Parliament agreed to the armament. This is told to the Empress. She refuses to give it up. The Ministers consent that she shall retain it; but not content with that, afterwards they turn round and tell the Turks, that Oczakow is of no importance; and not only that they ought to give it up to the Empress, but that they must give it up; and that if they will not, they shall be abandoned to all the calamities of a protracted war, be their fate what it may. Both these could not be right. Either Ministers were first wrong in interfering, and promising to procure the cession of Oczakow, or, having made that promise, wrong in giving up the contest about the cession of it. But for the sake of the argument, he would admit the prudence of our interference on this occasion. He would admit, that the whole of this measure originated in a policy of keeping up the balance of power of Europe. But then they had obtained nothing;—they thought at first that Oczakow was valuable; and yet, that the Empress might be prevailed on to give it up. Be it so. But then what was to become of the Court of Constantinople? Why was its interest abandoned? Why did we promise to procure for it terms, and afterwards abandon them? Why, in short, did we interfere?

As to the confidence which had so often been said was necessary, he was not desirous of disputing a point so clear in itself; there was a certain share of it always to be given to the officers of the executive Power; but he also must observe that they should never proceed on measures that were avowedly against the general sense of the people, without being sure of obtaining for them some substantial advantage, and this was not the case:

indeed no advantage would be obtained to this country by commencing hostilities against any power at present. Peace should at all events be our wish, and a continuance of it our object.—Nor was there any thing at the present moment in any of the powers, nor was there any where in Europe a prospect that should lead us to a wish for dispute, or that could reasonably induce us to apprehend any danger. We should cultivate the arts of peace—it was to the advantage of England to do so—by peace she might hope to flourish; and when Ministers neglected these points, and called for confidence, they should be told that they forget they are the servants of the people

The extent to which this call for confidence has been carried, was not more extraordinary than the manner in which the answers of the Minister were given—"I have given you my account," says the Minister, when he laid the papers on the table.—"We are not satisfied with your account," says the Parliament.—"You do not mean to blame me?" "If you do, I must tell you, that you are forming an opinion without proper information—I have other papers not before you, on which I formed part of my conduct, and without knowing them, you are not competent to judge upon the matter."—"Why do you not produce them?"—"Oh! no, I cannot do that, you must either approve or condemn on what you have before you."—"Do you rest upon those already before us?"—"Yes, for your vote; but I tell you, that you may form an opinion on which to give that vote, that I have other papers behind which would decide the whole at once; but you must not see them." Was this at last the condition of those who wished the House to vote for them upon confidence? After having acted upon confidence so long, they would not produce the very thing which was the only pretended apology for asking it. Thus they set praise by anticipation against a conclusion of blame. Nor was the effect of this armament trifling! although the armament was nothing; for it should be remembered, that the commercial concerns of this country were a great while affected. The most useful men we had were subject to long apprehension, and some of them sustaining the hardships of the impress service, and others who were proprietors of different articles of merchandise, rendered

uncertain as to the safety of their trade. These were serious points of inconvenience.

He then ridiculed the pretended plan of the necessity of an interference, and gently hinted at the general observation made by the noble Secretary of State, who had on a former debate pressed into his service some thoughts on our affairs in India. He could not help observing to a friend of his on that night, that the debate seemed to him to belong rather more to the conduct of Tippoo Saib than the Empress of Russia. Our interference in this case he treated with pointed severity; he saw no reason for our becoming all at once so deeply interested in the navigation and commerce of the Black Sea. He maintained that the whole of our conduct in that respect was ridiculous.— But the mischief did not end there, we hazarded much in the commerce with Russia; great part, if not the whole, of which we might have lost by this armament. Here his Lordship enumerated the advantages of our Russian trade. He then came to the period of the resignation of the Duke of Leeds, of whom he spoke in the most handsome manner. He then took a general view of the nature of our negotiation with Russia, the manner in which it had been carried on, the rashness with which the British name was committed to obtain what we had afterwards been compelled to relinquish; the absurdity of keeping up an armament long after we had given up all hopes of obtaining, by our interference, what we had sought for, and threatened to compel by force; the notorious public manner in which it was said, even in every letter, by almost every merchant who made any consignment to Petersburg, that the Court would recede—the giving up of all in dispute by our Ministry, on the very point on which the contest was said to turn; but above all, after all this, and for months, the continuance of our armament for no good cause, and to produce in effect nothing but the ridicule and contempt of all the other Courts of Europe. These were the points on which it was clear the Ministers had abused the confidence of Parliament, and these that made him declare it to be his opinion, that the motion of his noble friend was as fair, as just, as reasonable, as honourable, as constitutional, as any that ever, to his knowledge, was made in that House. It was necessary that the sense of the people of this country should be fairly represented.

It was necessary, as many noble Lords in that House had said the policy of Great Britain should be pacific; it was necessary that the conduct of this country should conform to its language. It was necessary that all Europe should understand that there was no false light cast upon our words; that when we said we were well disposed for tranquillity, we were sincere; and above all, that we did not hold out a false glare for mere show, when there was not a single point remaining to be gained.

The LORD CHANCELLOR said, the question was, whether, under the actual state of the whole case, Ministers had acted wisely, or unwisely, in continuing the armament to the time they had continued it—whether they should have dropped it sooner, and carry on a treaty without it, or that they did right in negotiating, while they were thus armed? He did not see that most of the points that had been urged on this occasion, did belong to it; they were properly the subjects of the last debate; nor did he see for what proper reason they had been introduced into this; whether the conditions, on which the whole was terminated, were the most wise that could by any means be obtained, was not the question now before their Lordships. But the point now at issue was, “whether they “ could have obtained the terms which are agreed on without “ this armament?” He thought these terms could not have been obtained, such as they are, good or bad was another question, if this armament had been discontinued; and he thought that time would be mispent by urging topics on it, which he had witnessed in the course of this debate. Many of them had been fully discussed before.

He could not bring himself to think that the whole of our interference was improper, in the present instance, with regard to Russia. That we should not trouble ourselves on any account with the affairs of the other powers of Europe, was not what he could bring his mind to assent to; nor was the doctrine, in his opinion, such as ought to be countenanced in Parliament. Was it decent in that great Council of the British nation to say, “We have no interest whatever in the affairs of Russia. She may pursue what steps she pleases for “ the aggrandisement of herself, and make what encroachments she pleases on other powers. We shall not interfere, “ although she may endeavour to destroy, as far as she can,

“ the balance of the power of Europe ? ” He should think every thing was wise, that went to the converse of that principle ; and that it was dangerous to suffer any thing to go forth, that would convey to any power in Europe an idea, that such were the Councils of the Court of Great Britain. Such an idea ought to be refuted, that the different powers of Europe may understand that we cannot with indifference view two countries struggling, nor remain idle spectators, when one of them threatens the other with destruction.

As to the policy of France on many past occasions, on which hints had been lately made, and particularly on the conduct of that Court towards the Porte, he believed he might say without fear of contradiction, that there never was a system of more conspicuous duplicity and folly than that adopted by the Court of Versailles towards the Porte. France had in these points abandoned the most faithful convention she ever had. There never was so complete a specimen of pitiful Court intrigue as France had discovered in its conduct to the Court of Turkey, nor any thing that could be deemed more unwise.

He then took notice of the general observations made on the conduct, the disposition, and the views of the Empress, and was far from seeming to join in the praises bestowed on her character for moderation, and other political virtues. He maintained that the views of the Empress were much too high and ambitious, and that she would, if suffered, encroach on the other powers of Europe for her own aggrandisement, in which case it was necessary to interfere. This being necessary, a question remained, “ Whether we should have had the terms “ we have, if our armament had been discontinued ? ” Upon this a great deal of information was before the House from the papers, of the regular and cross negociation---and he confessed, that on viewing the whole, he had much doubt whether we should have had the terms we have, had it not been for our armament. Had we discontinued this armament, who would undertake to say how far the Empress would go in her demands ? What bounds would any man undertake to set to her ambition, if there was nothing to oppose her ? He believed, that most of these points were determined by the point of necessity. He had never heard or read in history of any question decided by any two countries, where the whole of it was not governed by the

point of necessity. Would it, therefore, have been advisable first to disarm and then to propose the terms? The case seemed to him so clear, and the question so short, that the greatest volubility of eloquence could not extend them, and to debate the point must occasion some impatience. The negociation, but for the armament, would and must have been carried on in a very different manner, and they would have been obliged to pursue very different measures, had they not taken the steps they did on this occasion.

LORD STORMONT said, the topics selected as the grounds of defence for the conduct of Ministers, were rather calculated to support the line pursued by the noble Duke, who approved the principle of the armament, and resigned his official situation when the principle was abandoned, than that of his former colleagues. The change of opinion on which they acted must have taken place before the resignation of the noble Duke, and a reference to dates would shew, that the fact of an armament being undertaken, could not then be known by many parts of the country, and consequently that Ministers had not changed their opinion, and abandoned their system, in deference to public opinion. The change, it was clear, must have taken place before the public opinion could be formed, or at least before it could be known. It was equally unfounded that the public opinion, when formed and expressed, was adverse only to the employment of the armament. It was adverse to the equipment of an armament, because no adequate cause for it could be shewn. It was one of the charges against ambition, that it regarded not by what effusion of human blood any favourite object was obtained. The charge on the present occasion was applicable to Ministers, for their interference had prolonged, if not aggravated the effusion of human blood. The Turks, in whose behalf we had interfered, were charged by Russia with being the aggressors in the war. The charge had never been abandoned, and as far as appeared by the papers presented for the information of their Lordships, was proved, and at last admitted. The Turks, it was said, were to be pitied. He pitied them most sincerely—pitied them as deluded by hopes of aid that could not be realized, by promises of mediation which served only to increase their losses, and add to the humility of their submission. A noble and learned Lord had alluded to the

mockery of friendship with which the Turks had been treated by France, and the policy of any other power, endeavouring to merit by substantial services the commercial advantages which France had obtained by unsubstantial professions. They had found, it was to be feared, on the late occasion that they had only exchanged the mockery of French friendship for the grave, but equally unsubstantial, professions of the British Cabinet. What their sentiments on the subject might be, he professed not to know; but it was not possible for him to imagine on any view of our conduct that it had been such as to supersede France in their good opinion. They would probably say, "*Tros, rutulusve mihi nullo discrimine agetur*"—in whatever Christian Power we confide, the event is the same. Russia had not risen in her demands, either on the prospect of our being embroiled with Spain, or on the more certain ground of her own successes, and she had not yielded a single point to the terror of our armament. It was therefore unnecessary in the first instance, and useless in the second. If the terms she obtained were such as she ought to have obtained, and that they were so was not now attempted to be denied, why not propose them without an armament, since all that they differed from her own could not have occasioned half an hour's negotiation. The navigation of the Dniester, like the hero of a late tragedy, it had been said, did not appear till the latter part of the last act. It might be added, that like the same hero its part had been cut out by a judicious alteration. The free navigation of the Dniester, the sole fruit of our armament, depended on the Porte engaging to protect it as well as Russia, and there was reason to believe that the Porte would not consent to that stipulation, so that Russia would be absolved from her engagement, and not a trace of our negotiation remain but the folly and the expence. On these grounds he should vote for the motion, as a fair logical deduction from the premises.

Lord HAWKESBURY said, that although the opinions delivered by their Lordships were now made more public than they formerly were, he should not be deterred from delivering his sentiments. The question, as a noble and learned Lord had well observed, was reduced to the single point of the policy or impolicy of dismissing the armament, before the negotiation which occasioned it, was closed. It was clear, that the

terms proposed by Russia, in the first instance, were higher than those of which she accepted, and that she did not begin to recede till the negociation at Reichenbach was so far advanced, as to shew that she must soon be deprived of her ally. If, therefore, we had dismissed our armament before the negociation at Petersburg was closed, it was to be apprehended, that elated with success, she might have returned to the terms from which she had receded. It was, besides, to be considered, that we had armed in concert with our allies, and surely it would not be contended that we could disarm but in concert, or leave Prussia to be attacked on the confidence that our aid was effectually withdrawn. He admitted that public opinion was against a war with Russia; that the people of this country not understanding the value of Oczakow and its district, were averse to a war, of which that was the ostensible object; but it would hardly be contended, that because Ministers resolved not to hazard a war against the sense of the country, they were therefore to abandon every part of the system which they had adopted on good and sufficient grounds, and which they still thought of importance to the political and commercial interests of the nation.

Lord PORCHESTER said, the terms to which the noble Lord alluded, as receded from by Russia, were given up long before the accomplishment of the convention at Reichenbach, and were in fact never heard of after December 1790.* With them therefore our armament had nothing to do. A noble Lord had said it was equipped to support Mr. Fawkener and Mr. Whitworth against a cross negociation at Petersburg.—What did the noble Lord mean by a cross negociation? Their Lordships knew of none. If the noble Lord knew of any, why did he not describe it? Was the insinuation thrown out to give weight to a calumny too black to be avowed, and too absurd to gain credit without such aid. In all that had been said, nothing had appeared to contradict the substance of the motion, viz. that the armament was continued after the principle was abandoned, and that what was communicated to every Court of Europe was concealed from the British Parliament. That we had not continued the armament on any distrust of the professions of Russia, was evident from this, that

we had disarmed at last with nothing to trust to but the bare word of Russia.

Earl STANHOPE said, he would not at that late hour detain the House long, but it was necessary that he should state the reasons for his vote that night. He had been one of those, his Lordship said, who had opposed the war with Russia last session, because, with the majority of the people of this country, he thought the war not founded in justice, not founded in policy, and not founded in necessity; but because he had opposed the war on those principles, it did not follow that he should vote for the motion then before their Lordships. Most certainly he should not, because he was glad to find that Ministers had changed their minds, and yielded up their own individual opinions in compliment to the opinions of the people of England. He thought, so far from deserving censure for this, all who had opposed the war, because they considered it to be unwise, unjust, impolitic, and unnecessary, were bound to thank His Majesty's Ministers for not having gone to war, and for having suffered themselves to be influenced and governed by the opinions of the people. Instead of blame, Ministers deserved the highest approbation for attending to the opinions of the people. He said, he hoped he should hear no more such doctrines as that the opinions of the people could only be collected in Parliament. He well knew that the opinions of the people might be taken out of doors individually, they might be taken out of doors collectively. His Lordship declared he was not one of those who held the mad and detestable doctrines of some wild enthusiasts, who were for pulling down the constitution of the country and building it up anew. It had lasted for ages, and he hoped it would continue to last for ages. It was not, perhaps, so entirely perfect as the mind of man could make it; but it was all that reasonable beings could expect or desire, and he trusted that it would be held sacred. Let them have what petty differences they might among themselves; let there be differences between the Master General of the Ordnance and the Chancellor of the Exchequer; between the two Secretaries of State, between the Chancellor of the Exchequer and the noble Lord on the woolsack, he hoped that there was not a man in the country who would not unite boldly and manfully to support the constitution. It was clearly the object

of universal envy. Those who had felt it necessary to frame new constitutions for their country, had studiously imitated the British constitution. All that was excellent in their constitution, all that tended to give freedom, happiness, and security to the subjects in France, had been imitated from our constitution. They had copied their declaration of rights from our bill of rights, they had copied our Habeas Corpus act, they had copied our trial by jury, and they had copied our freedom of the press. If short, all that was excellent in their constitution, was imitated from ours. France, he said, he had the happiness to know, had for a long time past felt a growing attachment to this country; and the name of an Englishman was become popular throughout that kingdom. It was the undoubted policy of this country to cultivate the friendship of France. United with her, we could preserve the balance of Europe, and awe the neighbouring states from projects of aggrandizement and ambition. Great Britain and France had, he said, too long considered themselves as natural enemies, and preyed upon each other; true policy pointed to a very different system, a system that he hoped would be steadily adhered to. He was glad to hear what had fallen from his noble relation, (Lord Grenville) and he hoped he had understood him correctly, when he understood him to say that His Majesty's Ministers were determined to make pacific measures their uniform object. It was on a continuance of the advantages of peace, and that only, that the increased and increasing prosperity of this country depended. It was our interest to preserve external peace, and to avoid internal commotion; and he hoped His Majesty's Ministers would at all times vigilantly watch a neighbouring kingdom, and prevent any European Power from obtaining an undue influence over her. France had national property to the amount of one hundred and seventy-five millions, not millions of French livres but millions sterling. We had no such thing. France, notwithstanding her infinite resources, was greatly distressed. What then should we feel, if without such resources, we engaged unnecessarily in war? The system of peace was the system of policy most proper for us, and he hoped it would be sedulously cultivated. His Lordship concluded with declaring that he spoke his sentiments as an independent man, under the banner of no party,

and that he thought Ministers rather merited praise and thanks for their conduct, than reproach and censure.

The question was put on Lord Porchester's motion, and the House divided,

Content	—	—	19
Not Content		—	82
Proxies	—		16
			98

The House adjourned.

Wednesday, 29th February.

The Land Tax bill, and the Marine Mutiny bill, were read a second time, and ordered to be committed.

The House adjourned.

Thursday, 1st March.

The bill yesterday brought up for taking off certain taxes, was read a second time, and ordered to be committed for next day.

The House adjourned.

Friday, 2d March.

Read a third time the Land Tax and Malt bills, and the Marine Mutiny bill.

The bills to repeal taxes as opened in the budget were read a third time and passed.

The House adjourned.

Monday, 5th March.

The bills for repealing taxes on female servants, windows, carts and waggons, &c. passed the Committee, were reported by the Duke of Athol, and ordered to be read a third time to-morrow, if then engrossed.

Lord RAWDON said, he should not trouble the House with moving that their Lordships be summoned; but he believed, that some conversation might take place on this subject to-morrow.

The House adjourned.

Tuesday, 6th March.

Upon the motion for the third reading of the bill to repeal the tax on female servants,

Lord RAWDON said it could not be imagined that he rose to oppose the repeal of a tax that he had always thought was very improper to have been laid on ; and he equally reprobated its origin, operation, and tendency. In expressing his sentiments upon this subject, which had not originated in that House, and for the effects of which he could lay no blame upon their Lordships, he hoped he would be indulged to make some general observations upon that and the other bills for repealing taxes, although they were not all before the House at present. He did this the more readily, because, though the Minister who brought forward those bills did not sit among their Lordships, yet he was represented by a noble Lord, who, as a Member of that House, and particularly conversant in all matters of finance, was perfectly able to answer satisfactorily any remark that he might make. How it happened he did not pretend to say, but it appeared, that the business of finance and the trade of Parliament seemed to be much connected at present ; and that those points were more attended to than what particularly interested the country. With regard to the tax now before the House, he had always reckoned it a bad one ; he thought that females having so few ways of getting a livelihood, ought not to have been selected as a proper object for oppression. He said they were entitled to the protection of the other sex ; but it was not on a question, where their Lordships' feelings must be unanimous, that he called their attention. It was to the nature and motives for those bills to repeal taxes, which Ministers wished so much to avoid going into.— There had been much boasting and triumph about the flourishing state of the country under the present administration, which gave an opportunity of lessening the burdens of the people ; now he agreed perfectly, that the state of the country was what Ministers called it, prosperous and flourishing ; and he would go farther, he would say that they had made a very judicious choice of the taxes most proper to be taken off, yet he would not allow that the prosperity of the country followed.

from the line of conduct which Ministers had pursued, or that the repeal of those taxes was the best method of alleviating the burdens of the people. It must be notorious to the country that a great sum of money had been lavished lately, and he could not see that repealing a few of the worst taxes, some of which the same Ministers had laid on, was any compensation. If it was meant to alleviate the burdens of the people, let it at the same time be considered who had brought those burdens upon them, and what comparison the relief bore to the grievance. He referred to a publication which had been circulated with great industry, on the revenue and finances of this country, and though not avowedly sent from Ministers, it insinuated to those who read it, an idea which was the obvious intention of it, that the prosperity of the country was entirely occasioned by the exertions of the present administration, an idea extremely fallacious, and which to be refuted, required only to be investigated. He came next to state the increase of the Excise duties, and to account for them in a variety of ways entirely unconnected with the conduct of Ministers; and the rise or fluctuation of the public funds he considered as no criterion by which to judge the prosperity of the country; on this part of his subject he particularly mentioned the growing increase of country banks and their tendency, which he thought very prejudicial to the country; to examine minutely into the advantages or disadvantages of extending the use of paper currency would be a question of deeper speculation than he meant to enter upon at present; but he contended that in all the manufacturing counties this circulation of paper had increased, and many manufactories had been set on foot in consequence of it, because people would be much readier to give credit, when they could do it by issuing their notes, than when real money was to be given. Those who got the money into their possession for issuing bills, took care that it should not remain useless on their hands, and therefore bought into the stocks; the increased demand for buying into the funds therefore he considered to arise from the increased circulation of paper. He then observed, that in the same publication a comparative statement had been made of the exports in 1783 and 1790, wherein the balance was stated to be much in favour of the year 1790, but however ingeniously that was put, he thought the only fair

way to know whether the trade of a country was for or against it, was to state the amount both of the exports and imports at the given period. If this was done, he contended that those who argued for the latter period, would be found in the wrong, for he could make it clear to the House that the balance of trade, upon a just calculation, was more in favour of this country in 1783 than in 1790. His Lordship entered into a very minute and accurate detail of the imports and exports, as well as the general state of the finances at the different periods alluded to, from all which he drew inferences which corroborated his arguments. His intention was not to make any motion, but to undeceive, by his observations, those who might be deluded by the statement which Ministers had thrown out as a bandage to cover their motives, by a set-off of repealing taxes, to compensate for a foolish and wanton extravagance and waste of money. If it had really been meant to lessen the burdens of the people, that might have been more effectually done by paying off the national debt with the boasted surplusses, than repealing taxes. Upon the whole, it was evident that His Majesty's Ministers saw the unpopularity that attended the Russian armament, and thought necessary to hold out the compensation of repealing taxes. The proposition with which he meant to conclude was, that the present remission of taxes did not proceed from the motives which it assumed, viz. alleviating the burdens of the people, but from a wish in His Majesty's Ministers to get free of the just and decided odium that followed the Russian armament, by a flattering statement of the national finances, and repealing taxes to compensate for their folly and rashness.

Lord GRENVILLE answered the observations of his Lordship, complimented the talents and eloquence of the Minister who had so clearly and so ably stated the income and expenditure of the country. He maintained that the consideration of the balance of the trade, whatever it might be, was not to be the guide of our opinion on the state of the revenue of this country as to its probable increase or decrease. He maintained, and referred to Dr. Adam Smith's *Wealth of Nations* as authority, that by our imports and by our exports we should judge of the prospect of our revenue, as any body of merchants would do on their imports and exports. If this mode of cal-

culating was true in one instance, it was true universally.— From these points he justified all the calculations already made by the officers of Government upon this subject. In this situation we had a surplus of a considerable amount, and the question was, how that surplus should be disposed of?—Whether the whole should be applied to the reduction of the national debt, or the whole to the reduction of taxes? Or that it should be divided between these objects? The latter of these had been adopted, and in his opinion, wisely. He entered then into reasoning in support of this opinion, in the course of which he observed that the taxes in question were at first reluctantly imposed, must be confessed to be oppressive in their nature, and that the repeal of them must be an object of great satisfaction to every friend to this country.

The Earl of GUILDFORD said, he should differ from both the noble Lords who had delivered their sentiments. He thought himself bound to take this opportunity to do so. He feared he should deliver a doctrine that was at this time very unpopular, but this consideration should not deter him. Whether the taxes now proposed to be repealed were wise measures when they were adopted, he knew nor cared not; but having been adopted, whether they should now be repealed was the point that he should call on the House to discuss. Having reflected on the whole of the conduct of Ministers, and particularly on some late transactions, without any spleen against the persons concerned, and viewing the whole as calculated either to be attended with good consequences, or more likely to produce bad ones, yet he would frankly declare, that he thought with the noble Lord who stated that the Russian business had produced this premature reduction of taxes. Whether this particular tax, namely, a tax upon maid servants, or rather on those who kept them, should be repealed, was a question on which he was ready to deliver his opinion, and he freely confessed he thought it should not. He was of opinion that this sum, received from the people for the support of the public safety, ought not to be taken off. Nothing was more disagreeable to any person in office than to propose taxes; when he proposed them, he did it because he thought them necessary for the safety of this country; and in all he had done he should be

willing to stand or fall, on the question of the propriety of the taxes, compared with the situation of this country, when he proposed them.

The tax which was likely to be the means of creating popularity by its repeal, was that which was now before the House. To this repeal he had an objection. But first he would state another objection which he had to the foundation of these proceedings of the reduction of taxes. He objected to a particular circumstance that might more properly be said to belong to another place, but which, in his opinion, ought to be noticed by their Lordships. He meant that part of the King's speech by which notice was given of the probable repeal of the taxes. This part of the speech from the Throne he did not say was immediately contrary to law, or to the principles of the constitution of this country, but it certainly was very uncommon that the Prince from the throne should recommend to the consideration of Parliament, or properly speaking, to the House of Commons, any particular object in the point of finance, as worth their attention; or that no such instance occurred before he would not say, although he did not recollect any such, except that of the hearth money; and this was so well known to be a tax against the spirit of the people, and so very oppressive to them, that it was nothing more than obeying the general voice to repeal it; and yet, even in this case, when the Prince made this recommendation to Parliament, it was accompanied with a request that Parliament would devise some other means to make good the deficiency which this repeal would occasion. But supposing this to be regular and correct, he said he did not object to it as a Peer of Parliament, upon that particular ground, but he objected to it as a measure that should not be adopted at all.

The grounds upon which he made this objection, and on which he disapproved the proposed reduction of taxes, were, that he conceived the present situation of this country to be such, that there could be no object so beneficial to its interests, as the reduction of the national debt, and to which the surplus of our revenue should be applied, in preference to any other object. And as to the amount of this debt, he was ready to confess, he did not view it with the terror that seemed to be felt in general. He did not think so much of the size of it at

present, as of the danger of its growing greater, and at last becoming too great for us to bear. To illustrate this, he observed, that we were at this time far from being in a desperate state, or in a state that we ought to despond; for if we looked at this time, as compared with the time of the revolution, when this country had no debt; if we looked to the time when we first had any transactions of money on the score of public credit, we should find that money was raised at the rate of seven and eight per cent. interest; now, with all our debt, the interest was hardly three per cent. This was to him proof that this country at this moment, with all its debts, was in a better situation than at the time when we had no debt. All descriptions of men in this country were more comfortable, in point of wealth and other advantages, at this moment, than they were an hundred years ago: notwithstanding all the taxes imposed on the people of this country, and the sum which they were called upon to contribute to the public burden, still what they had left for their own comfort was much more than the people of this country had one hundred years ago. He believed that the resources of this country are still great, and that if called upon to exert itself, would be found adequate to such exertion. He never thought there was the least reason to despair on account of the finances of this country. He had often said before, and he was of the same opinion now, that there never was a moment when a man of tolerable nerves should apprehend any danger from the failure of the resources of this country. He believed we might proceed much farther before any fear should be apprehended. To what extent he knew not. God forbid we should make the experiment; but if called on, he was confident the situation of this country would bear a great deal more than had been already imposed on it. What was the result of these opinions? Not that we should reduce our present taxes, but that we should bear them, in order that we might apply the surplus for the reduction of the national debt; in order that we might, twenty years hence, be able to face the calamity of a war, without being burdened by fresh taxes, which would be the case, if, during the interval, we applied our surplus to the reduction of the national debt. We should take care so to bear our burdens now, as that if fresh ones should

be heaped upon us, they should not be more than we should be able to bear.

As to the particular taxes now about to be repealed, he did not see that they were such as were particularly burdensome ; taxes were burdensome on all occasions, but he did not know that these were particularly so ; or if they were, that the repeal of them would relieve the indigent. The tax on candles, for instance, was not such as would favour the indigent by its repeal. If it did not, he was sure it was unwise to repeal it ; for it was a tax that had fully amounted to the sum at which its produce was estimated. He feared it would not relieve the indigent ; he was tolerably certain it would not do so. The poor man would not receive the benefit of this deduction.— Their Lordships knew the effect of the reduction of the duty on wine ; he believed that did not much relieve the consumer who bought in small quantities ; so the case would be in this instance ; the poor man who bought his candles, would not be able to buy any quantity that would bring him within the scope of the reduced price. Of candles the really indigent man generally bought two or three at a time, of those that were sixteen or twenty in the pound weight. How was the duty to suit this fraction ? He knew, indeed, that the manufacturer, the carcase butcher who sold the tallow, or the glazier who sold the ox, or perhaps all of them united, might benefit by a reduction of the tax on candles, but he was really doubtful how the indigent consumer was to be relieved by this reduction.— Suppose the duty on candles was reduced one halfpenny in the pound weight, and the poor man bought four of those that were sixteen to the pound, his share of the reduction would be just half a farthing. Indeed, he feared that the persons who most wanted relief from taxes, would not meet it by this bill.

As to the tax on maid servants, he confessed he thought it at the time it was projected an unwise one, because he feared it might deprive some poor girls of employment ; but that objection was now done away, as those who kept them made up their accounts to themselves, as if the tax was never imposed. The objection in this case was to the first impost, and not to the continuance of the tax, and therefore it would afford no relief to the indigent to repeal it.

He made a few observations of the same kind on the tax on waggons—but his objection was not so much to the repeal of these taxes, because they could be borne, but with a view that our surplus should be applied to the reduction of the national debt. This was more to be considered than the temporary reduction of taxes; and, in his opinion, the danger of its growing too great, on some future loan, was more to be apprehended than the consequence of the state of it at this moment. He thought, therefore, that the applying of this surplus to the reduction of the debt would become more beneficial to the people of this country, than the taking off of any taxes under the present situation of this country.

He had the misfortune, when in office, and afterwards out of it, to maintain upon the subject of finance in this country, a doctrine that was very unpopular. He was now too old to change his opinion, and the point of popularity should not now bias it; he had known the effects of it formerly, and had withstood them. He had recieved a lesson upon that subject, in a manner too plain to be misunderstood, and too severe to be forgotten—the result of the whole was, that he was taught that popularity was at an end with him, and he gave his opinion totally without feeling any thing upon that point; and he confessed that in that view he regarded the bills in question as dangerous, and he hoped that the temporary popularity which the reduction of these taxes would procure to the present, would not lead a future Administration to follow their example from motives of popularity. He wished the people of this country as much wealth, comfort, and happiness for ever as they now enjoy. But he could not help saying, that to keep them in the present happy situation would be to call on them to avail themselves of the present moment to support their burdens when they are so well able to bear them, that they may be able to meet the exigency of a future war, without incurring fresh taxes that may then be felt as burdensome. The people of this country were now free, opulent, and happy, and they should bear their burdens now, for the purpose of reducing the national debt, if they wished the country to preserve and to enjoy its freedom and its happiness for ages to come.

Lord HAWKESBURY maintained, that the situation of this country was such as to enable us to pay off annually one million to the reduction of the national debt; and also now to apply two hundred thousand pounds additionally for that purpose; and that under the present state of the country, the people had a right to expect some immediate ease to their burdens. Here his Lordship entered into some detail on the state of our revenue and expenditure, and agreed with the noble Earl on the strength of our resources, but did not conclude from thence, that the appropriating of the whole of our surplus to the reduction of the debt, was the wisest plan that could be adopted. On the contrary, he was inclined to think that the taking off of these taxes would encourage some part of our trade and manufactures; and that he was by no means sure that this reduction of taxes would actually diminish the revenue; he rather trusted, that this relief would improve and encourage that commercial spirit which so much distinguished the people of this country. Our trade, he maintained, was in a condition that enabled us to look forward, without fear, to the reduction of these taxes. Indeed, there was at present more difficulty to get raw materials, than that of manufacturing them, when obtained. From these, and other reasons, he thought the repeal of these taxes necessary.

The Duke of NORFOLK complained that the noble Lord, who was ostensibly a Minister, had not given them some statement in detail of the finances, in the same manner that the Chancellor of the Exchequer had opened the subject to the other House of Parliament. He admitted that the House had not been altogether without assistance on this head, since the noble Lord who spoke last, who was undoubtedly sufficiently capable, and holding a high office in His Majesty's service, though not an efficient one, had been pleased to state something relative to the prosperous situation of the country. His Grace complained of the unfunded debt having been suffered to accumulate, and thought the diminution of that a more proper object of the appropriation of the surplus of the revenue, than the repeal of taxes.

Lord GRENVILLE and Lord Rawdon rose together, but Lord Grenville was heard. His Lordship said, that particu-

larly pointed at as he had been in the noble Duke's speech, he could not but be anxious to say a word or two in reply.— He had never heard that any Member of either House was personally responsible for any measure agitated in Parliament as a public measure. That he not only was disposed to come forward, but claimed it as his right to stand forth the advocate of all matters respecting Government generally, but that on subjects of finance, the Minister of that department was, he believed, usually deemed responsible personally. The noble Duke had called upon him, to enter into a detail of the state of the finances, and had held up the examples of the Chancellor of the Exchequer in the other House of Parliament. It would have been the most idle attempt at parade and pageantry for him to have endeavoured to dole out in scraps and morsels part of that celebrated speech, the eloquence and splendour of which were matters of public notoriety. Nothing, he declared, could hurt him so much, as his having afforded a sufficient ground for a reasonable imputation of his having shewn any thing like neglect of the House, although he should at all times be ready to disclose all that he knew, and was proper for public communication; but he should be equally wanting to himself, and to them, if he did not say, that he had uniformly, as a public man, given all he had a right to give, and that more no man had a right to claim. *

Lord HAY said, he should agree with the Earl of Guildford in preserving the reduction of the national debt to the reduction of taxes; but that the latter were so unjust, harsh, and oppressive, and under that impression he was glad of the opportunity of voting for their repeal under almost any circumstances.

Lord RAWDON, in reply, took notice of various points in Lord Grenville's speeches, and particularly said, that he had not meant to advert to the Chancellor of the Exchequer's argument upon finance in the other House of Parliament, conscious as he was that such an allusion would have been irregular and unparliamentary, but if he had alluded to it at all, he said, he should have done so with due respect to the right honourable gentleman who made the speech, to whose abilities he was at all times ready to do justice. His Lordship

said, if ever it was laid down as a principle, that upon subjects of revenue, that House was not to have the fullest information to enable them to enter into an examination of bills relative to taxes, instead of claiming and discharging their most essential functions, they would sink into the most servile and obsequious assessors of the taxes proposed in the House of Commons ever dreamt of. He noticed Lord Grenville's argument about a pamphlet published by Stockdale, (we believe) the view of the increase of the revenue, for the four last years, and said, the noble Lord's disdain of the publication on the score of its being a mere pamphlet, and his declaration that it was not partial to him, though invidiously hostile to opposition, reminded him of a passage in Shakespeare :

" But, when I tell him, he hates flatterers,

" He says, he does ; being then most flattered."

Julius Cæsar.

After the conversation ended, the bills for repeal of taxes were read a third time, and passed *nemine dissente*.

The House adjourned.

Wednesday, 7th March.

Heard Counsel and examined evidence on a divorce bill.

The House adjourned.

Thursday, 8th March.

Heard Counsel on the Scotch Peerage election. Deferred.

The House adjourned.

Friday, 9th March.

At two o'clock His Majesty appeared on the throne, and the Royal assent was given to the mutiny bill ; the bill for regulating His Majesty's marine forces while on shore, the bill to repeal the duty on female servants ; the bill for repealing the additional duty on houses ; the bill for repealing the duty on carts and waggons ; and several road and private bills.

The House adjourned.

Monday, 12th March.

Heard Counsel on the Scots Peers election.

The divorces of Mr. Reybould and Mr. Larkings stood for the second reading. Both deferred to Wednesday next. Ordered that the Lords be summoned.

The House adjourned.

Wednesday, 14th March.

The Earl of COVENTRY rose to state to their Lordships a breach of privilege, which he would bring before the House on an early day. His Lordship, in his capacity of Lord Lieutenant of the county of Worcester, had received a challenge from a Mr. Cookfey. Ordered that their Lordships be summoned to take the same into consideration on Friday next.

The House adjourned.

Thursday, 15th March.

The House, in a Committee of Privileges, heard Counsel on the claim of Mr. Hamilton to the title and honours of Lord Belhaven.

The House adjourned.

Friday, 16th March.

The Earl of COVENTRY rose to state to the House his reasons for desiring their Lordships to be summoned. He had the honour to be Lord Lieutenant of the county of Worcester, and held in his hand a book which contained an account of proceedings at the meeting of 19th October, 1790, the day appointed by the act for annually assembling the militia. An application had been made to him by a Mr. Cookfey, to have his son, who was abroad, appointed Major of the Worcester militia, in the room of Major Mold, who was then Major; he thought it his duty to submit this application to the meeting on the 19th of October, and the Officers present came to a resolution, that it was proper to refuse Mr. Cookfey's application, and to continue Major Mold. He

accordingly wrote a letter, communicating this resolution to Mr. Cooksey, and about fourteen months afterwards he received a letter, signed Richard Cooksey, which he likewise held in his hand, and meant to have read to their Lordships. Although it was long, and contained many expressions that would not only appear extraordinary, but of a nature that must hurt his own feelings, and he had no doubt would appear unjustifiable, and highly improper to be sent to any Member of that House ; yet he would move to have it read at the table, and would content himself with so doing, convinced that their Lordships would act in such a manner upon the subject, as best became their dignity.

The clerk then read at the table the following

“ Copy of a Letter from Richard Cooksey, Esq. to the right
 “ honourable the Earl of Coventry, dated Worcester, 10th
 “ January, 1792.

“ My Lord,

“ Your Lordship having signified an intention of quitting
 “ Worcestershire to-morrow, I am under the necessity of call-
 “ ing upon you in haste (and before I can procure some let-
 “ ters which passed between your Lordship and my father,
 “ which I have not yet been allowed to see) for imme-
 “ diate redress of a most ungenerous, because unprovoked,
 “ injury.

“ My letter may be long, but it merits your perusal,
 “ since it will, I trust, convince you of having acted wrong,
 “ and I need not mention to a man of your Lordship's sense,
 “ that to redress an injury is the duty of a man who has of-
 “ fered one.

“ I have another view in writing thus fully, since if your
 “ Lordship should appeal to any other arm than your own,
 “ and shelter yourself under the privilege of Peerage, my in-
 “ ter considered shall convince the House of Lords that your
 “ Lordship is as wanting in spirit as in justice.

“ In 1789 I left England, and resided during the year 1790
 “ at Lausanne, living there with men of high honour, with
 “ some of infinitely higher rank than your Lordship. To

“ them I can refer for honourable testimony of my conduct while there.

“ About August 1790, I wrote to my father expressing a wish to quit that country for Germany, or Turin, in either of which a military character was certainly the best introduction of an English gentleman. I therefore solicited any vacant commission in the Worcestershire militia. My father executed my wish, by writing to your Lordship for such a commission. Your Lordship, I am told (for I have not, I say, seen your letter) answered that there were *pecuniary objections* to my appointment.” My father, hurt at such an insolent answer, then, and not before, applied for the majority, and copied the act of Parliament which prescribes the time and mode of appointing a Field-Officer. Your Lordship, as Lord Lieutenant, was bound either to appoint me or state the true objection. You did not; but referred my father’s letter to a Board of militia Officers, who expressed a wish for the continuance of their present Major.

“ This is the true state of the case—Now attend to my observations.

“ Your assertion that *pecuniary objections* existed to my appointment was base, cowardly, false.

“ I ask, I insist on an explanation of these words. Does your Lordship mean, the heir apparent to an estate in this county, (incumbered as it may be) of between 12 and 1500 a year is not a man qualified, in a *pecuniary* sense, for such an appointment? If you have a doubt read your militia act. Does your Lordship mean, that by listening to idle tales of envynomed toad-eaters, which makes great men little, you have heard that my circumstances were for a time embarrassed, that I was not eligible? *that*, my Lord, is not an objection; it does not affect the legal qualification. As your Lordship has thus thought proper to publish your objections to me, justice to my own character calls upon me to tell your Lordship, I never owed five hundred pounds in the world, I never owed to tradesmen in the aggregate 260l. I lament the truth. I have not been able to pay claims upon me the instant they made them; but

“ this, my cautious Lord, was from want of the means, not
 “ from want of principle, and was a concern to tradesmen
 “ only, not to a Lord Lieutenant of a county. This sug-
 “ gestion, therefore, I repeat, was cruel, cowardly, and
 “ false ; more cruel, more dastardly, because my father was
 “ supposed to be at the time in a dangerous illness. I never
 “ wished the removal of Major Mole, who, though I do
 “ not know him, I believe to be a very worthy man, nor
 “ would it have been my wish to enter a regiment of gentle-
 “ men but with the reception a gentleman would wish.—
 “ Your Lordship having given out that I applied in the first
 “ instance for the majority, is guilty of a second falsehood.
 “ A military life is not my object, I wished the appointment
 “ solely for the reasons I have mentioned. I must seek my
 “ bread in another profession, but as your Lordship has thus
 “ put the matter upon my qualification, I now, without
 “ meaning to interfere with the pretensions of any gentleman
 “ who is at present an Officer in the Worcestershire militia,
 “ put in my claim to the majority upon legal and constitu-
 “ tional principles, against any other man whatever, I mean
 “ at the expiration of Major Mole’s commission.

“ There is one qualification I will convince your Lordship
 “ I possess at any moment, and in any manner your Lordship
 “ shall require and appoint.

“ I remain,

“ Your Lordship’s enemy,

“ RICH. COOKSEY.”

A witness was then called to the bar, to prove the hand
 writing of Mr. Cooksey, and the delivery of the letter at the
 last Court of Sessions, to a person whom the witness knew to
 be the Steward of the Earl of Coventry. After a pause of
 some time,

Lord GRAHAM (Duke of Montrose) said there was only
 one opinion in the House, and that was that the writer of the
 letter ought to be taken into custody, and examined at the
 bar, that he might have it in his power to be heard in his de-
 fence ; he therefore moved,

“ That the Serjeant at Arms attending, be ordered to take
 “ the body of Richard Cooksey into safe custody, and bring

“ him to the bar of that House, there to answer such questions as might be put to him.” Ordered.

The House adjourned.

Monday, 19th March.

The Serjeant at Arms appeared at the bar, and said, that in obedience to the commands of that House he had attached the body of Richard Cooksey, Esq.

The Earl of LAUDERDALE presented a petition, which was read; it stated that Mr. Cooksey had several papers to produce before their Lordships in his defence, which at present were not in his possession, but which he had sent for, and which he hoped would arrive, so that he should be ready to appear at their Lordship's bar, with materials for his defence. It then prayed that he might have until Monday next to appear at the bar of the House.

Lord SONDES said, that he hoped Mr. Cooksey would not be suffered to go out of the custody of the Serjeant at Arms.

The LORD CHANCELLOR said, “ Most certainly not.”

The Earl of COVENTRY said, he had no personal objection to any favour to the prisoner, which the House would be pleased to grant, consistently with its own dignity.

A difficulty arose on the point of form, whether Mr. Cooksey should remain in the custody of the Serjeant at Arms, or be transferred to the Black Rod. It was settled, however, that he should remain where he is.

Lord LAUDERDALE then moved, “ That Richard Cooksey be brought to the bar of this House on Monday next.”

The LORD CHANCELLOR put the question. Ordered.

The House adjourned.

Tuesday, 20th March.

The order of the day for the second reading of the bill to remove doubts respecting the functions of juries in cases of libel, was moved by Earl Fitzwilliam.

The LORD CHANCELLOR said; he had viewed the bill before their Lordships with great attention; and he hardly felt himself ready to pronounce on it any opinion at all.— The first clause was, that the Jury should give their verdict upon the whole matter in issue upon an indictment or information, and should not be required or directed by the Judge to find the defendant guilty merely on the proof of the publication, and of the sense ascribed to such libel by such information or indictment. This was a proposition which from all that he had heard, and from all the information he had received, he could not bring his mind to assent to. The best authority he knew, and the most clear he ever heard of, on this subject, was from a paper which lay upon the table of that House (alluding to the opinion of the Judges delivered in on the case of the trial the King against Woodfall, by the Earl of Mansfield), a paper to the principles which he never heard the smallest contradiction, or of the purity of which he never heard a doubt expressed by any person qualified to form an opinion on the subject. The charge which had been given in that trial by that noble and learned Judge, who was such an ornament to his profession, had never been questioned as to its legality.

Here his Lordship entered into many quotations from ancient authorities, tending to shew that this clause was against the principle which had been uniformly maintained by all sound Lawyers, from the earliest times to the present day; and when a question of law was thus stated, their Lordships should avail themselves of the best advice that could be given to them: the way to obtain this, would be through the medium of the opinion of the Judges, to whom a question ought to be put, not whether any improper direction had been ever given to a jury, but whether the law was agreeable to what this bill proposed it to be. This was not a point now, whether a Judge should sum up this or that way, or what had been the practice in that respect; but the question was, and he trusted they would fall into the same opinion, whether the paper to which he had alluded, and which was on their Lordships' table, contained principles of

law in this country, or whether there was any sound conclusion of law against it. This was, in his opinion, the highest authority that House could resort to on this subject. He spoke not, nor did he mean to speak, with levity of the person (Mr. Fox) by whom this bill was introduced. He knew the vigour of his understanding much too well, to say that whatever that person produced did not demand attention, and he thought this bill did demand that attention, and therefore he was prepared to treat it with respect; but it really appeared to him that the whole spirit of the bill was a condemnation of the conduct of the Judges, from time immemorial to the present day, and he could not think that their Lordships would be well pleased to give their sanction to a measure that conveyed a general censure upon the Magistracy of this country. On the contrary, he trusted that they would pay respect to the great names who composed that Magistracy, and that they would sanction the practice of a Court of Justice, unless they had substantial reason for the contrary. At least, whether the principles on which the practice of the Courts was formed was just—whether the practice itself was right or wrong—were questions which should not be discussed before the Judges had given their opinion; and therefore, without taking farther notice of the law itself, the point of regularity was in favour of taking the opinion of the Judges. The bill in question did not confine itself to libels, but took notice of other offences; for it stated, that the Judge shall, according to his discretion, give his opinion to the jury on the matter in issue between the King and the defendant, in like manner as in other criminal cases. The point here was spoken of generally on the whole matter in the declaration. This seemed to him to call for that which was a legal impossibility. Here his Lordship entered upon professional topics—upon the return of the *posse*—the impossibility of having the *day in bank* when the return can be made by a jury—the manner in which they were enjoined by the writ—the fiction of law on

which their authority was derived, maintaining that the bill improperly abridged the advice or direction which it had always been competent for Judges to give to juries. In support of his opinion, he quoted the opinion of Mr. Justice Hale, who had said, "It is the duty of the Judge to give advice upon matters of fact, and direction in matter of law." And this opinion was supported by that Judge, who, of all others, was the most favourable to the rights of juries, Mr. Justice Vaughan. He who had always shewn such inclination to protect the rights of juries, had put the case precisely in the same manner. The fact was stated to be so or so, and then the jury were bound to find the affirmative or the negative of that fact; and even if when they had found it, and changed their opinion, it might be altered before it was recorded; but the duties of the Court appeared to him to be quite clear as they had always stood—*De jure respondent judices, de facto jurati*. Whatever might be the opinion of others, and he understood there were doubts by many with whom he had the honour to act, yet he must confess he could not bring his mind to doubt upon the subject. Here his Lordship again took notice of the case of this bill, as it would affect *demurrers*, and made many other professional objections. He observed, that this bill involved some contradictions; for after telling the Judge what he is not to do, it proceeds to telling him what he is to do, and prescribes his duties in a manner not consistent with each other. In point of history, he maintained there was no case whatever similar to the present bill; it would let libels loose upon the world without those restrictions within which they had hitherto been kept; and if this was to be the case with libels, he asked what was to be the case with incendiary letters? To what extent was the one to proceed, and where was the other to be left?—Libels and incendiary letters had always been considered *in pari materia*. He trusted that great caution was to be observed in the alteration of a law that stood the test of ages, and under which this country had arrived at least

to as great and as rational a state of freedom as any on the face of the globe. Such was his opinion; and if it should happen that those whose habits led them more into the study of that part of the law than himself, should agree with him, he should give his negative to the present bill. He believed he had stated enough for his present purpose, and he believed that the doctrine he had supported had been uniformly laid down by all the Judges since the reign of Queen Elizabeth; but their Lordships would find the whole law on this case better explained in the paper upon the table of that House, than in the discussion of any topic whatever. He therefore moved, "that, instead of now, this bill be read a second time" "on Tuesday the 24th of April next."

Earl FITZWILLIAM professed his warmest approbation of the bill, and justified his now bringing it forward to the House. But as the noble and learned Lord had considered it as a bill on which the opinion of the Judges should be taken, and as that required time, he should assent to the motion for the second reading on the 24th of April.

Lord PORCHESTER said, that he saw no reason for the interference of the Judges. The constitution had vested in the three branches of the Legislature the power of making laws; the Judges made not an atom, as Judges, in that Legislature; and therefore, when a doubt arose concerning any one act they passed, most undoubtedly they who enacted that law, who debated on its principle, and who had well weighed and considered the cause and the effect it was intended to produce, were the most proper persons to declare what that law meant. It was merely rising to explain.

The learned Lord had hinted something like an opinion that Judges were to direct juries what their verdicts should be; and he had said, such were the practices of the Courts since the reign of Elizabeth. But, thank God! the enlightened day was arrived, when the constitution of this country was to be construed in its true

meaning. If the Judge directed the jury, if he biassed them in his charge, the virtue of trial by jury was lost; the twelve men in the box became cyphers, the mere tools of the Bench; they were unworthy the name of citizens, they were out of the catalogue of freemen: but the grand point in which our liberties would be most affected was, by leaving the freedom of the press at the mercy of the Judges.

Considering the whole of this business, he saw not the least reason for waiting until the Judges returned from the circuits. They made no part of the Legislature; and consequently it became a kind of disgrace to the wisdom of the Legislature, that they could not pass an act to explain what they had done, without asking the Judges whether they were right in so doing. This was setting the Judges above the senate, and making Parliament the mere echo of their servants.

Lord GRENVILLE saw great propriety in consulting the opinion of the Judges on this bill. He heard nothing said against that consultation, but that the Judges were a party. This he hoped would turn out not to be true; he conceived that the Commons of Great Britain, who are capable of sitting on juries, had as good a right to maintain by this bill, as the Judges had to defend their integrity. If ever there was a question to be argued in the manner proposed by the noble and learned Lord upon the woolfack, this was of that description; and he was well convinced, that to obtain the opinion of the Judges would be of great advantage to that House; for he was persuaded the Judges had only one wish, which was, to discharge their duty. As to the observation of the noble and learned Lord, that he had no doubt, he must beg leave to say, that some doubt must have existed somewhere, or there could not have been such diversity of opinion on the subject. This made it fit that the Judges should be consulted, and when their Lordships were satisfied on that point, they would proceed upon the subject. He could not conceive that a more important

duty could belong to their Lordships than the consideration of the present bill. It was essential to the future welfare of the State, that proper impressions should be made on this occasion. Libels had lately taken a high leap indeed; instead of gratifying private malice against individuals, or simply arraiguing the conduct of Ministers, they openly and avowedly attacked the constitution, solicited the people to fly in the face of their own happiness, and in a manner intreated them to subvert the government of the nation. He spoke with confidence in the opinion of the people upon this subject, and trusted that they would not be misled by such publications; but then it was highly necessary, at such a time, that the law, by which such publications may be tried, should be clearly ascertained. He heartily concurred with the amendment, for the purpose of giving this subject all possible attention and solemnity.

Earl STANHOPE said, that whenever he had the misfortune to differ from the two noble Lords, who had agreed to postpone the second reading of this bill, he should submit to the House the reason of that difference. The objections that had been urged against the second reading of this bill, appeared to him to belong to the subject when the measure was before a Committee, and that was the stage, if any, that should be postponed. But he should not take it up on that narrow ground; he should take it up on the ground, that there is no doubt, upon the subject—no doubt upon what the law ought to be in future, or upon what the law is at present. When their Lordships heard the reading of this bill, and found it was relating to trial by jury, and the liberty of the press, they would be surely convinced there was no English mind, or English heart, that did not participate in the discussion of the subject, or that was not deeply engaged in the freedom of this country. This point now before the House, was so interwoven with the constitution of this country, that it became peculiarly interesting to every Englishman.

There were five material principles on which the constitution of this country was founded, every one of which was clear and solid. The first was founded on the right every man had to be protected in his person and property from the government. Secondly, the liberty he enjoyed to discuss all public subjects, and to give his opinion freely without fear or dread, in what way he pleased. This was chiefly supported by the liberty of the press, and a greater blessing no state could have; he meant the free discussion of public subjects; he did not mean to say that this liberty had any thing to do with the private cases of individuals. It consisted, as a national object, in the discussion of every thing that related to Government. This was the foundation of the liberty of this country. The third principle was that which we found recorded in our ancient law, under the term of declaration of rights, and afterwards in our bill of rights, on which the people have a right to arm in their own defence, without which there was no freedom, at least there was no security for the continuance of freedom, either against internal attempts to establish the absolute power of an individual, or against the invasion of an enemy. The people should be armed as much to prevent the peace of the country from being disturbed, as to prevent or repel all attack from a foreign power. Had this been the case, we should not now have to reflect on the disgrace, to which this country was reduced in the year 1780. Nor should we have had the more recent shame of July last in the infamous riots in the town of Birmingham---Why did those things happen? It was because the people were not armed. The fourth was the representative form of Government of this country, the modification of, which was, that each person had a share in forming regulations for the good of the whole community. The grand principle by which this was supported was, representation in Parliament, by which it might be said that no man can be affected in person or property, but by a law of his own making. The

fifth was, that as by the representation of the country no law can be made against any man without his consent, so by the trial by jury, the people have a right to interpret their own law. This was the plain common sense of the ties by which this nation was held together. If any one of these points was defective, then the true constitution of this country was incomplete. In none of them was there more care to be taken on the part of the people than that of the liberty of the press, of which the case of libels made a material share. A libel depended upon four, or at least on three or four points--First, the publication, which of itself was harmless, but on which the doubt arose for which this bill was to provide a remedy; and here he must say, that the idea of guilt in a publication merely was ridiculous; for in that case there would seldom be any thing to try, and in which case inuendos would be totally superfluous, for the publication was generally a thing not at all disputed. But whether the publication was or was not proper; and in that view came the averment, stating, for instance, Dover, that was Dover in such a place in the county of Kent; or Calais, Calais in such a place. But words might be so plain, that there need be no inuendos; in all which cases, the juries were to judge of the whole matter before them. Secondly, what was the law upon the subject, a point which always appeared to him to partake rather of fact than of law: it was a question of fact whether a person had transgressed the law. Thirdly, the criminal intention. Fourthly, the right of the jury to try the whole matter. This the Judges had usurped. They had undertaken to direct the jury on the inuendos, and left them only to judge of the fact of the publication; they had desired the jury to leave the criminal part of the intention out of the case. This was the most material part, and of which the jury only ought to judge without shewing cause to any person whomsoever. This was the most charming part of the constitution, and this it was which the Judges had so frequently attempted to take out of the hands of the jury. The defendant should

not be found guilty and given up to a Judge for punishment, if he could satisfy a jury that he had no criminal intention.— And why should the Judges attempt to take from the jury the most important part of their jurisdiction? This was declaring on the law, and enacting it. It was not law—or if it was, it ought not to be law—and he hoped their Lordships' opinion would be, that this arbitrary power should be wrested from the Judges by force—without it the liberty of the press was a mere chimera—the liberty of the press would be talked of in vain; and in vain too would be boasted the power of Parliament. He wished their Lordships to reflect for a moment on the utility of the press. Suppose, for an instant, that a King, not his present Majesty, for we all knew his disposition pronounced the thing impossible; but suppose a King should be advised to do what King James the Second did—to raise money without the vote of Parliament? How was the public to know this? They never could but from the liberty of the press. Every thing valuable in the constitution of this country depended on the liberty of the press, and there was an end of it, if the trial by jury was not free and uncontrolled. The Judges claimed a direction, which the common sense of the thing denied to them on the face of it. This was a serious business, and their Lordships should take care not to trifle with it. The Commons had done their duty, as honest men, in sending this bill to this House; and if, from whatever motive, the bill did not pass, they would have the table covered with petitions, not only this year, but the year after. As to the licentiousness of libels—let the public be free—let the press be free—make up your minds to do justice, and fear no libels; where the constitution was free, there was nothing to be dreaded; a constitution was free, which rested on the principle he had mentioned; but if, by refusing this and other applications for justice on the part of the people, it should be rejected or trifled with, the consequences might be very serious. Every Government rested upon the public opinion. He had seen the strongest of them break down, when that opinion was lost—and when it was so, every Government ought to be broken down; because, no Government ought to continue that was not calculated

for the purposes of protection to the wealth and prosperity of the people. He could not agree in the desire of having the opinion of the Judges upon this subject; he saw no reason why the House should wait a moment for that opinion, upon a question that was so clear. It was as obvious a point, and could be as easily answered, as if a question were asked, whether our grand Charter should be repealed? It was a constitutional point, and that House could want no assistance of the Judges upon that subject. It was a point to be governed by justice. The law was above the Judges! The constitution was above their Lordships! Justice was above them all! The eternal principles of justice were paramount to all!—On it were founded all the noble rights which God had given to mankind!

Earl FITZWILLIAM observed, that whatever opinion might have been entertained upon the question of what was the law, this was a bill for declaring what ought to be the law, it was an enacting law. He hoped that this bill would be fully considered, and finally passed, lest there should hereafter be a dispute between the Bench and the jury; but the deference he had for the opinion of the noble Lord upon the woolstack induced him to assent to the motion.

Lord LAUDERDALE said, he did not agree with the noble Earl near him, nor did he go the length that he had done, because if doctrines to the extent that the noble Earl had stated, were to be admitted, every thing, he was persuaded, would give way and fall into confusion; but he objected to postponing the second reading of the bill, because the noble and learned Lord had not stated what the specific question was that he wished to put to the Judges. The question to be hereafter proposed to them, his Lordship said, might be of that nature, which no power on earth could induce him to vote. For instance, suppose the question should be, that the Judges should declare, “what ought to be the law of the country, in respect to the law of libels.” That question he never would vote; and therefore if they were to put off the second reading of the bill, in order to put a question to the Judges, his voting must depend upon his knowing what was the turn and tendency of the question to be proposed.

Lord GRENVILLE said, it never, he believed, had entered into any man's head to put it as a question to the Judges what ought to be the law of the country, in respect to libels; but to know from the best authority what the law was.

At length the question was put on the amendment, which was carried. The second reading of the bill therefore stands for Tuesday the 24th of April.

The House adjourned.

Thursday, 22d March.

Heard Council and examined evidence on a divorce bill.
The House adjourned.

Friday, 23d March.

The order of the day being read for the House to resolve itself into a Committee on the Quo Warranto bill, the House resolved itself into a Committee accordingly, and Lord Cathcart took the chair.

Upon the following clause being read by the Clerk, viz.

“ Be it enacted by the King's most excellent Majesty, by
“ and with the advice and consent of the Lords spiritual
“ and temporal, and Commons, in this present Parliament
“ assembled, and by the authority of the same, that from
“ and after the first day of Hilary Term, in the year one
“ thousand seven hundred and ninety-three, it shall and may
“ be lawful for the defendant or defendants to any infor-
“ mation in the nature of a Quo Warranto, for the exer-
“ cise of any office or franchise in any city, borough, or
“ town corporate, whether exhibited with leave of the
“ Court, or by His Majesty's Attorney General, or other
“ Officer of the Crown on behalf of His Majesty, by vir-
“ tue of any Royal prerogative or otherwise, and each and
“ every of them severally and respectively to plead that he
“ or they had first actually taken upon themselves, or held
“ or executed the office or franchise which is the subject of
“ such information, eight years or more before the exhibit-
“ ing of such information, such eight years to be reckoned
“ and computed from the day on which such defendant so

“ pleading was actually admitted and sworn into such office
 “ or franchise; which plea shall and may be pleaded either
 “ singly, or together with and besides such plea as he or
 “ they might have lawfully pleaded before the passing of
 “ this act, or such several pleas as the Court on motion
 “ shall allow; and if, upon the trial of such information
 “ the issue joined upon the plea aforesaid shall be found for
 “ the defendant or defendants, or any of them, he or they
 “ shall be intitled to judgement, and to such and the like
 “ costs as he or they would by law have been intitled to, if
 “ a verdict and judgement had been given for him or them
 “ upon the merits of his or their title.”

The Duke of NORFOLK moved, that the word “ Hilary” be changed to that of “ Trinity,” which was agreed to.

Lord KENYON rose to propose an amendment. His Lordship stated it to be the rule of the Court of King’s Bench, to limit the proceedings by Quo Warranto, to the term of six years. No reason, his Lordship said, having been given for extending the period to eight years, and being persuaded that, if the real object of the bill was that which it professed to have in view, the promotion of quiet and tranquillity in corporations, that such object would be best obtained by shortening, rather than by lengthening the time in which proceedings might be had, he therefore would move to have the word eight omitted, for the purpose of substituting the word six.

The LORD CHANCELLOR supported this motion, and considered this as a bill to repose litigations and contests in boroughs and corporations, in which case the shorter period appeared to him the better.

The Duke of NORFOLK pointed out the possible injustice that might arise from the concealment of transactions in boroughs. Persons might get clandestinely into a freedom, and an election might happen near seven years afterwards, and this false right could not be attacked, because the six years had elapsed since the admission. The reason why the eight years were proposed was, that as seven years

was the legal existence of Parliament, an election could not happen without affording an opportunity to call on a person claiming the right of election, to shew by what authority he made that claim.

Earl STANHOPE was of the same opinion.

The Earl of LAUDERDALE thought it rather a tender and delicate point for that House to alter a clause in a bill, so peculiarly affecting the rights of the Commons.

The question was put—the House divided,

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After a clause being proposed by Lord Kenyon and adopted, the House went through the bill—Lord Cathcart reported progress, and the report was ordered to be received on Monday next, to which day the House adjourned.

Monday, 26th March.

The order of the day, that Richard Cooksey, in custody of the Serjeant at Arms, be brought to the bar, to answer the complaint made against him, for a breach of privilege, having been read,

Mr. *Cooksey* was brought to the bar, and said,

My Lords, Is it your pleasure that I now proceed in my defence?

The LORD CHANCELLOR said, Mr. Cooksey, you are brought here on a charge of breach of privilege; their Lordships are willing to hear what you have to say in your defence.

Mr. *Cooksey* then proceeded to read his defence, in the following words:

“ My Lords,

“ Before I say one word in my defence, allow me to return your Lordships my sincere and humble thanks for having granted me time to receive from the country some letters, which I deemed of material importance.

“ I deemed them, my Lords, of material importance, both to your Lordships and myself; to your Lordships as

enabling you to form a complete and impartial decision, consistent with the dignity of this high tribunal, and which you could not have done, if your Lordships had been to judge upon a single letter, written under the impression of injury, and in an unguarded moment. To myself important, as containing sentiments which I trust will have a favourable effect with your Lordships when they shall have been considered.

“ I can assure your Lordships, that I do most sincerely lament, that any act of mine should have brought me on such an occasion as the present, to your Lordships bar, and I earnestly presume to entreat your favourable attention, while I shortly explain to your Lordships, the nature of my case; I hope your Lordships will believe, that I entertain the most profound respect for the privileges of your Lordships’ order, and I regret with unfeigned sincerity that the violence of my feelings should at any time have brought me into a situation, which should be thought to have infringed those useful and venerable privileges with which the Peerage is invested.

“ I do likewise most sincerely regret that the sense of what I conceived to be unmerited and unprovoked injury, should have led me to give offence to the noble Earl who laid my letter before this House.

“ I had been taught by my father, to respect him, as a gentleman and a scholar, and for many years, I had been in the habit of being civilly received by his Lordship; no offence on my part, therefore, could possibly have been the result of premeditated ill-will, or personal rencour.

“ Entertaining such sentiments of the Earl of Coventry, as I have just described, I left England in the year 1789; during my residence abroad I conceived an inclination, for particular reasons, not material for your Lordships’ consideration, to belong to the Worcestershire militia, and desired my father, in my absence, to apply to Lord Coventry to grant me a commission in that corps; that application was rejected, and I understood the motives of the objection to

have been conveyed in terms which carried with them, insult and contumely.

“ The violence of my feelings overcame the dictates of prudence, and I addressed his Lordship in a manner which, in my cooler moments, I am ready to acknowledge to have been most improper.

“ But the sense of injury being strong, the impulse which dictated my expressions will, I hope, be pardoned by a tribunal where the highest principles of honour are felt and cultivated.

“ I shall use the freedom to lay some letters before your Lordships; a letter, from the Earl of Coventry to my father, which gave rise to that letter of mine, which is the subject of complaint, is lost or mislaid, but my father's answer will explain its contents.

“ By the tenor of my subsequent letters it will appear, that it did not require the impending reprehensions of this great and respectable Assembly to induce me to alter my tone and my expressions. I continued to feel the injury with great poignancy, but I had by reflection obtained the language of moderation.

“ I trust, my Lords, that these letters will prove to your Lordships the truth of what I have alledged, and will satisfy this House that I sincerely regret the intemperance of my language.

“ I request your Lordships to consider, whether under all these circumstances, my offence is not palliated by the causes which gave rise to it; whether it is not exculpated by the strain of my subsequent correspondence, and whether I could have made unconditional submission without being disgraced?

“ Permit me likewise to request your Lordships to consider whether the nature of the offence, in which I am supposed to be involved, can be deemed to relate to the privilege of Peerage, and even if it should be so considered, whether my subsequent conduct and expressions, together with my present sincere contrition, do not obliterate my offence?

Under these observations, I proceed to lay the letters before your Lordships.

Copy of a Letter from Holland Cooksey, Esq. to the Right Hon. the Earl of Coventry.

Braces Leigh, August 29, 1790.

My Lord,

My wonder at your Lordship's taking so much time, contrary to your usual punctuality, for answering my application of the 17th inst. ceases on receiving this instant your's of the 25th, containing an answer very harsh and unfit to be returned to me, to whom I boldly aver your Lordship is under many public and private obligations, and unbecoming you to give, being false in fact.

Let me remind you, that, as His Majesty's Lieutenant, you are not empowered to gratify private partialities or prejudices, but to execute duties and powers committed to you by the laws of your country.

I therefore notify to your Lordship, that Richard Cooksey, Esq. son and heir apparent to the possessor of the manors of Braces Leigh, Lulsley, and lands in Claines, of double the yearly value of your pretended list of offers for commissions, hereby offers himself to accept a commission as Major in the Worcestershire militia, and is on his return to England.

Your Lordship will act upon this formal notification as you shall think fit. That action shall direct the future feelings and resentment of

Your's,

H. COOKSEY.

Copy of a Letter addressed to Richard Cooksey, Esq. written on the back of the above copy of the letter, by H. Cooksey, Esq. dated Braces Leigh, March 17, 1791.

My first application was to Lamb, as a matter of course, to make out *any commission* for you in the militia *as soon as possible*.

On its being delayed, I wrote to him in *the very terms of his former letter to me*, which your sister incloses, and of which take great care.

His answer provoked that on the other side.

The letter complained of by the Earl of Coventry, as a breach of privilege, as their Lordships had heard it, Mr. Cooksey, after noticing it, did not read at the bar.

To that letter, for which see the proceedings of the 16th of March, the following was the answer:

Copy of Lord COVENTRY'S Answer:

Sir,

The only reason I shall give at present to a very rude letter, is, that I perfectly concurred with *all* the Deputy Lieutenants, in

thinking that a person avowedly pursuing his travels into foreign parts, was unfit to hold a commission in a provincial regiment, and particularly that of Major. If your meaning is to affront me, because, in the execution of my office, I studied the welfare of the county of Worcester, I shall know how to vindicate my own honour, and will do it by such means as all the world shall approve. It is rather singular that the slight you complain of, should have lain dormant in your breast for more than a twelvemonth since the event happened, and that you should have been in England great part of the time. I am,

Your's, &c.

COVENTRY.

Croome, Jan. 11, 1792.

Mr. Cooksey said, he would next read his reply.

The Earl of COVENTRY instantly rose, and informed their Lordships, that after the letter of his writing, all correspondence between Mr. Cooksey and himself was barred; he denied, therefore, any knowledge of any future letters that Mr. Cooksey might have written to him.

Mr. Cooksey said, What! my Lords, am not I to be heard in my defence? At least, may I not be permitted to read letters which tend to *extenuate* my fault?

The LORD CHANCELLOR, addressing him from the woolstack, said, Mr. Cooksey, you have hitherto conducted your defence with great temper and moderation, and you have been well advised in so doing. Let me recommend to you to observe the same temper and discretion in what you have farther to offer to their Lordships' consideration, a deviation from which has brought you into your present situation.

Mr. Cooksey said, I hope I shall, my Lord; and then proceeded to read the following

Copy of the Answer of Richard Cooksey, Esq. to the Letter of the Right Hon. the Earl of Coventry, dated Jan. 11, 1792.

My Lord,

I sit down to give your letter a cool and deliberate answer. Had your Lordship, at the time of refusing me a commission in the Worcestershire militia, assigned the reasons for it contained in your letter of to-day, and which I never before heard, your Lordship would never have had reason to complain of the rudeness of any expressions of mine, addressed personally, or written to you. My conduct to you, previous to this application, I believe, you well know, was marked with every attention due to your superior rank, though never with servility.

No man living more wishes to pass peaceably through life than myself, and I disclaim every intention to affront your Lordship;

"because, in the execution of your office, you studied the welfare of the county of Worcester." No man wishes more the welfare of the county of Worcester than I do, because I have received very distinguishing marks of the favour of its inhabitants; but it is because your Lordship thought proper to assign a very different, and a very cruel reason, namely, to use your own words, "pecuniary objections."

There is a jealousy, my Lord, about a man who is not rich, which you, from your situation, cannot feel. If liberally educated, he will pass over with contempt a taunt from a vulgar in the street; but if he receives it from a Peer, it will rankle in his mind, and dignify revenge.

[Mr. Cooksey here explained, that he meant no other cause of *rankling*, than the acute feeling of an injury at the moment, not malice.]

That has prompted every expression I have used—

[Here, my Lords, said Mr. Cooksey, I beg leave to explain myself. I did not mean the word *that* to refer to *revenge*; I meant an insult of *that* kind—an injury of *such* a nature—by no means *malice* or *revenge*. I feel neither.]

and as your Lordship has not answered that material part of my letter, I maintain the same sentiments of your conduct towards me, and am as ready to put my character to the world's decision, as can be your Lordship.

I have hitherto deferred bringing this matter to an issue, conceiving the most proper time would be the expiration of Major Mole's commission. Your intended departure for London hastened it.

I am, my Lord,
Your's, &c.

R. COOKSEY.

[Before Mr. Cookley read the subsequent letter, he explained that it was a letter from Mr. Wigley, the Member for Worcester, of whom, if he had seen him in the House, he meant to have asked leave to read his letter previous to his taking that liberty; but as the letter was a perfectly proper one on the part of Mr. Wigley, although he differed with him somewhat in sentiment, he hoped his reading it in his justification would not be thought an indelicate freedom.]

Dear Cooksey,

A day or two ago, I had some conversation with Lord Coventry on the subject of your letters to him, which I read with no small degree of surprise, as well as concern, and own I felt a satisfac-

tion, when he remarked, that you observed you had not seen his to your father, and seemed even desirous that you should acknowledge your mistake. As a mutual friend, he requested me to speak to you, which from the regard I bear to you, as well as to his Lordship, I readily undertook. Let me request you to peruse these letters, and I doubt not you will see the transaction in the light that will induce you to relieve him from the disagreeable necessity of unpleasant measures, and on your account, give real pleasure to

Yours, very sincerely,

EDM. WIGLEY.

Temple, Feb. 7, 1792.

Copy of a Letter sent to Mr. Wigley, February 13th 1792, in Answer to his of the 8th Inst. [It was to Franked.]

Dear Wigley,

I very sincerely thank you, for the expressions of regard contained in your letter to me, on the subject of Lord Coventry's conversation with you.

His Lordship, I assure you, could not have applied to any person more acceptable to me, or to whom I would more readily submit the decision, on my conduct in this affair.

Lord Coventry little knows me, if he thinks I would retract any expression I have used, unless upon the fullest conviction of error.

On receiving your letter, I rode over to Braces Leigh to obtain the letters, which passed between Lord Coventry and my father, copies of which I intended to have sent you, but my father being at present attacked by the gout in his eyes, he is not able to search among his papers for them; but as I hope he will recover his sight, at present much weakened, in a short time, I will take the earliest opportunity of sending them to you. My father, I believe, put the same construction on his Lordship's refusal of the commission and on his reasons, which I did, and which, I think, drew from him some expressions of a very strong nature towards his Lordship, and of which the word "pecuniary" was one.

I have long been prepared for one mode of decision; there are two others to which I know I *must*, however reluctantly, submit.—His Lordship must pursue the line of conduct which he thinks most becoming him; but if, from a perusal of those letters, I find myself to have proceeded from an error of words, or of judgement in the construction I have put upon them, I shall be ready to acknowledge it, conceiving it to be the part of every man of honour and honesty to do so,

I remain, Dear Wigley,

Yours very sincerely,

RICH. COOKSEY.

Dear Cooksey,

I received yours, and was in expectation of receiving another almost immediately. I really think you treat Lord Coventry's wish

for amicable terms, too lightly. Let me beg you to write by return of post.

Yours truly,
Temple, Feb. 22, 1792. E. WIGLEY.

Copy of a Letter from Mr. R. Cooksey to Edmund Wigley, Esq.

Braces Leigh, Feb. 25, 1792.

Dear Wigley,

I received your letter on Friday night only at this place, or should certainly have answered it by return of post, as you desired.

I by no means would wish to be understood to "treat Lord Coventry's wish for amicable terms *lightly*."

I wish such terms had not been first broken by his Lordship; but as he thought fit to represent me to his Lieutenants as a person unfit for the post of Major, and as his treatment of me in this manner is a matter of notoriety in the county, I must consider his Lordship as the aggressor, and still maintain the ground on which I first took this matter up.

Unless his Lordship shall in the same manner acknowledge, that no objection now exists to such an appointment, if I chose to solicit it, I cannot express regret for any expressions I have used, though I with the greatest sincerity acknowledge my sorrow, that his conduct drew such expressions from me as I thought it merited.

If for a moment changing situations with me, you can suggest to me wherein I have been guilty of any impropriety, or *chalk out any more proper line of accommodation*, I assure you I shall take your opinion well, as I believe it will be well intended, toward,

Dear Wigley,
Yours very sincerely,
R. COOKSEY.

Dear Cooksey,

I received yours yesterday, and am extremely sorry to find you still persist in your sentiments respecting Lord Coventry, and that without yet having seen his letter to your father. I saw him this morning, and think it a great proof of his moderation that he has allowed me to write again to you, before he proceeds to take the steps which his situation certainly demands, and which are only to be avoided by a *full apology*. I can point out another mode of accommodation; if you approve of this, I shall be happy to convey it; if not, I must lament the inconvenience you will bring on yourself, greater perhaps than you imagine. I send this under cover to my brother, to insure its speedy delivery, as no time must be lost; but he is unacquainted with the contents. Believe me

Yours, truly,
EDM. WIGLEY.
Rd. Cooksey, Esq. Temple, 28th Feb. 1792.

Mr. Cooksey explained, that the following letter was written from a friend's house, to whose family he was on a visit at the time :

Lea Castle, March 2, 1792.

Dear Wigley,

In my way to this place yesterday, I met your brother's servant, who delivered me your letter.

I have spoken fully to my father on the subject, and am more than ever convinced of the rectitude of my conduct in this affair, though I am sorry to think you consider it in another light.

For your good offices accept my best thanks; but I beg you to inform Lord Coventry, that if his *moderation* alone withholds his mighty arm, he has exercised that virtue only too long, to one so insensible of it as I am.

Tell him he has, without the least provocation, held out to the county of Worcester, as a man unqualified, on penuniary grounds, for the post of Major, one whose family held (if pecuniary subjects must be touched upon) the largest possessions in this county for centuries before his Lordship's was known in it, and who still retain property sufficient to shew the falsehood of such an objection. As he has made no acknowledgement of his ill treatment of me, I should think I debated myself indeed, was I to submit to make the *full apology* which his Lordship, in his *moderation*, demands, nor would I disgrace you so much, as to make you the bearer of so abject a message.

I know I must be tried by men of the highest honour of his Lordship's rank, or by a Court of Law.

To either decision I shall bow with the respect and obedience I ought; and whatever their sentence on me may be, I shall have the consciousness of having acted as I thought right for my consolation under it. This will support me in the gloom of any prison, and I trust I shall not suffer in the world's opinion, from having acted on such motives.

I remain, dear Wigley,

Yours sincerely,

R. COOKSEY.

We should do Mr. Cooksey gross injustice, were we not to declare, that he delivered his defence, in all its parts, in a manly and collected, but, at the same time, in a most respectful style, to the House. In his preliminary address, it was obvious that he meant to meet the dignified rank of his auditory with suitable reverence; in reciting the epistolary correspondence, he gave more scope to his feelings, and stated his expressions with the force of that impulse that had originally dictated them. In his closing appeal, his tone was firm, but decent, and not calculated to revolt the impression that his first manner had given:

" My Lords,

" You are now in possession of all the letters which passed on this subject, with the exception of that letter which F

have stated to have been lost or mislaid; had I been conscious that I had committed a breach of the privilege of Peerage, I should not have travelled so many miles to have met your Lordships' messenger; I hope the alacrity which I manifested to comply with your Lordships' orders for my appearance, will assist in clearing me from the intention of deliberate offence.

"If, unhappily for me, your Lordships shall deem me guilty of a breach of your privileges, I trust that in the sentence you shall pass upon me, you will have a due regard to the very expensive custody in which I have been detained.

"I shall readily comply with any submission which this right honourable House shall think proper to direct. I shall detain your Lordships no longer, than to assure you, that I rely with perfect confidence on that wisdom, justice, and mercy, which direct all your actions."

The Marquis TOWNSHEND rose to put a question to Mr. Cooksey, but the House over-ruled it.

Mr. Cooksey said, I am ready to answer the noble Lord, or any question which shall be put to me.

The LORD CHANCELLOR said, your Lordship has heard what has been said in his defence. I submit to your Lordship whether you would, by putting any questions to the prisoner, give a different shade to that defence, or change the ground on which he has chosen to rest it.

Upon motion, Mr. Cooksey was ordered to withdraw.

The Earl of COVENTRY, rose immediately and repeated to their Lordships, that he had brought the matter before the House, from no motives that regarded himself personally, but merely as a matter affecting the privileges of the House, and consequently the honour of their Lordships. That he felt nothing like resentment or private pique on the occasion, and consequently, was not at all desirous of interposing between the lenity of their Lordships and the prisoner, but left it entirely to the House to shew what indulgence they pleased, and dispose of the whole case as they should think proper.

The Earl of CATHCART began with recapitulating the circumstances that had occurred relative to the com-

plaint from the time of its having been first made by the noble Earl, to the moment of Mr. Cooksey's having just quitted their Lordships bar. He next reminded the House, that the noble Lord who had made the complaint, had, greatly to his honour, disavowed any vindictive feeling on his part, and declared, that he would not object to any lenity which their Lordships might shew. The next step for the House to take had been generally, he believed, to consider the nature and amount of the offence, and to apportion and pronounce the punishment; he would not, because he did not think it at all necessary, go over the variety of precedents of complaints of breach of privilege, and detail the proceedings had by the House thereupon, which were to be found on their Lordships' journals; it would be sufficient, on the present occasion, to draw the recollection of the House to the general course of proceeding that had obtained on complaints of breach of privilege, in proportion to the magnitude of the offence stated, and the greater or less degree of aggravation it derived from the manner in which it had been committed, or the obstinacy with which it was persisted in. In cases where the offence was but of a slight nature, and where the person complained of, as having committed it, had shewn himself obedient to their Lordships' order, and having readily submitted himself at the bar, had there expressed himself sorry for having incurred the displeasure of the House, and had implored their mercy; it was, as their Lordships well knew, customary for them to order the prisoner to ask pardon of the House, and of the individual Lord against whom the breach of privilege was committed, to reprimand him at the bar from the woolfack, and discharge him, upon paying his fees. Where the offence was of a more heinous nature, and the person, committing it, had not readily submitted, and did not express due contrition for his offence, it was usual for their Lordships to increase the punishment by imprisonment or fine; and there was still another species of offence in cases of breach of privilege, where the person complained of, persisted to act with a degree of contumacy towards the noble Lord, against

whom the breach of privilege had been committed; in that case, their Lordships knew that it was customary for them to go a step farther, and exclusive of a reprimand from the woolstack, &c. oblige the prisoner to enter into recognizances to keep the peace for a given time. To apply these different courses of proceeding in that House, against persons complained of for having committed a breach of privilege, to the case then under their Lordships' consideration, he conceived that it must be sufficiently apparent, that Mr. Cooksey had not only readily submitted to their Lordships' order, but that he had expressed himself sufficiently sorry for the offence he had committed. If therefore he had gone no farther than that part of his defence, the Earl declared, he did not believe there would be one of their Lordships, who would have wished that any greater additional punishment should be inflicted on him, than a reprimand from the woolstack, and that he should be discharged on paying his fees. But from what had afterwards come out, it did appear to him, his Lordship said, that Mr. Cooksey should be called upon to enter into recognizances, and therefore, with the leave of the House, he would conclude with moving,

“ That the said Richard Cooksey having acknowledged
“ his sorrow for his said offence to the House, and likewise
“ to the Earl of Coventry,

“ That the said Richard Cooksey do continue in the custody of the Serjeant at Arms, and that he do enter into a
“ recognizance before the Lord Chief Justice of the Court
“ of King's Bench, himself in five hundred pounds, and two
“ sureties in one hundred pounds each, for three years, and
“ that he be then discharged upon paying his fees.”

The Marquis TOWNSHEND said he could have wished the latter part of the motion, that calling upon the gentleman to enter into recognizances, had been omitted; many reasons, which he would not state then, because it would be highly improper so to do, but which must as forcibly occur to every one of their Lordships, as they did to his mind, suggested themselves, that it would be much more respect-

ful to the noble Earl, near him, (Lord Coventry) if no recognizances were called for. The question which he meant to have put to Mr. Cooksey when at the bar, if it had been their Lordships' pleasure to have permitted him to put it, he would then state, because he verily believed the answer of Mr. Cooksey would have made all ideas of calling upon him to enter into recognizances unnecessary. The question was, whether if Mr. Cooksey had himself been for some time an officer in the Worcestershire militia, and the Lord Lieutenant of the county had put another gentleman, who knew nothing of the affairs of the regiment, was on his travels abroad, and did not mean to come home, over his head as a Major, he would not have thought that stroke a greater affront than the other, which he had complained of in the letter then upon their Lordships' table?

The Earl of LAUDERDALE declared a hope, that he would not be thought capable of rising to defend the letters that had been read to the House; no one of their Lordships could consider them as more improper or more absurd than he did, but he rose to beg their Lordships to reflect on what they were doing, as he had great doubts in his own mind, whether what had been complained of, could be held to be a breach of privilege? He was well aware that he might be asked, if he entertained any such opinion, why he had not stated it at an earlier stage of the business? He had but one excuse to plead for his not having done so, and that he was ready to admit, was weak and a bad one, viz. that he had not sufficiently examined into the nature of the ground on which their Lordships' privileges stood, and searched the journals for precedents. He had since done so, and he was confident, it could not fairly be considered as a breach of privilege. All their Lordships' privileges, as well as those of the House of Commons, were given them chiefly, with a view to secure the freedom of debate. Judge Blackstone stated it so expressly, and the common sense of the thing sufficiently proved it. True it was, the freedom from arrest was the privilege of minor Peers, of Roman Catholic Peers, of his own constituents, and of all Peers, whether

they sat in that House or not. But that was a single exception, and he could never admit, that a general rule was to be maintained on a single exception. There were, his Lordship said, two distinct descriptions of Peers, Peers of the realm, and Lords of Parliament. The latter were necessarily gifted with peculiar privileges, and for what purpose? Merely to secure and arm them, in their defence against the prerogative of the Crown. He had never heard any other reason of a constitutional nature assigned for their privileges, nor could he conceive that any other reason could be assigned, that had any colour of sense in it. If the case were otherwise he foresaw inconveniences highly repugnant to the spirit of the constitution. He acknowledged, that he was aware that there were many precedents of an extraordinary nature upon their journals respecting their proceedings on complaints of breach of privilege; but he was persuaded their Lordships would not think it for their honour to copy any such precedents. In good times he was sure there was no precedent in point that could bear out such a case as the present. He might perhaps be told of the case of Lord Pomfret and the Duke of Grafton, but that was materially different. In that case, the noble Lord at the time on the woollack, had stated, that he had heard that a correspondence was going on between Lord Pomfret and the Duke of Grafton, which if not timely prevented, might end so as to endanger the lives of both those noble Peers; and the noble and learned Lord had called upon any noble Lord present, who knew more of the matter, to give the House farther information respecting it; in consequence of which a noble Lord had stated in his place what more he knew of the affair, and means were immediately taken by the House to oblige the noble Peers in question to enter into recognizances to preserve the peace. That was a measure taken to prevent a danger apprehended; the present motion was meant as a punishment for an offence committed; and what was the nature of the offence complained of? Not an offence committed against a Peer of Parliament, for any words spoken in that House; it was not an attempt to intimi-

date a noble Lord as a Member of Parliament, nor even an offence committed against a Peer while Parliament was sitting; there was no pretence whatever, therefore, for saying that the offence prevented the noble Earl from attending his duty in Parliament, or that it in any way whatever affected the business of that House, or the freedom of debate. It was merely an offence committed against an executive Officer of Government, for an act done in that capacity; would that House therefore so misapply their privileges, as to extend them to the protection of the executive Officers of Government, when their conduct was found fault with or objected to by individuals without doors? His Lordship desired, that he might not be so far misunderstood as to have it supposed, from what he had said, that he would undertake to defend the letter on the table. He was far from entertaining any such idea. He considered the letter as scandalous a libel as ever was written; no word the English language could supply, could do it justice; he was convinced that it was actionable at common law, and it particularly behoved their Lordships to distinguish between such parts of a transaction as amounted to a breach of privilege, and to abstract the crime that was to be seen in it; the latter ought to be left to the decision of the Courts of Law; if their Lordships were to notice the letter, in his opinion they would act most untily and unfairly; they would do what they ought studiously to avoid, viz. acknowledge themselves to be a party on the one hand, and on the other, act as Judge, jury, and even, as the executive Officer, to inflict that punishment which they themselves had assented.

Earl FAUCONBERG said, that in his opinion the right and most proper way of proceeding, would have been by an action at law. His Lordship assigned his reasons for his opinion, and said, that he could at the same time lay his hand upon his heart, and declare, that he thought most sincerely that the noble Earl, who had made the complaint, had acted with the strictest propriety in what he had done as Lord Lieutenant of Worcestershire.

The Earl of COVENTRY desired that the precedent of the Lord Griffin or Gilpin's case, in 1737, might be read from the journals.

It was read accordingly, and stated, that John Bulby or Buckly, had spoken defamatory words of the Lord Gilpin or Griffin, who had complained to the House of it as a breach of privilege: that the House referred the matter to the consideration of a Committee, and in consequence of their report, ordered Buckly to be attached, that he was brought to the bar, and upon expressing great sorrow and contrition for his offence, was ordered to be reprimanded while at the bar, on his knees, from the woolfack, and discharged on paying his fees.

The Earl of CATHCART said, the noble Earl had talked of precedents in good times; he really did not perfectly understand the expression, and wished the noble Earl would have been so good as to have explained what he meant by good times. He knew there were precedents upon the journals in all times that came up to the present case. His Lordship mentioned the precedents of 1726, 1737, and 1764.—The cases were: the complaint of the Earl of Bristol, against Boughton, a clergyman, in 1726-7; of the Lord Griffin, against Buckly, in 1737; and of certain printers, or publishers of newspapers, concerning a noble Earl, then Ambassador at the Court of Paris, in 1764, which was said to be a remarkable case, because privilege had been so much considered. He entered much at length into the discussion of the precedents, declaring, that he had in his former speech purposely avoided resting on any precedents whatever; since besides the three, he had stated, there was a whole cloud of other precedents on the journals equally in point. With regard to the noble Earl's distinction between a Peer of the realm, and a Peer of Parliament, he declared he knew not how to hold an argument on such a subject within those walls; and indeed he knew of only three privileges peculiar to persons either born Peers or created such, besides that of becoming Members of that House, viz. the privilege of being hereditary Counsellors of the King, in which is included freedom from personal restraint, except in certain cases limited by statute and by an order of the House; the privilege of declaring upon honour in many cases, where an oath is generally required; and the ancient privilege of trial *per judicium parium suorum*.

It was said that the *Pax et Securitas*, which was considered even in the days of Edward the Confessor, as that which ought to be allowed to all those concerned in parliamentary proceedings, and the necessary preservation of the dignity of an House of Parliament, were the grounds of all the parliamentary privileges that had been claimed, or that remained in existence. He concluded with maintaining that his motion was warranted by Parliamentary usage, and was consistent with constitutional practice.

The question being at length called for, it was put, and the Lord Chancellor gave it in favour of the contents.

Mr. Cooksey was then ordered to the bar, when the Lord Chancellor told him, that a complaint had been alledged against him for a breach of privilege, which, upon investigation, appeared to the House to be of a very heinous nature, that their Lordships had heard him in his defence with great patience and candour, but that in consequence of the contrition and sorrow, which he had expressed for his offence, their Lordships were willing to forego much of the displeasure and resentment they would otherwise justly have entertained against him; that, therefore, they had ordered him to reprimand him at their bar, and he had reprimanded him accordingly. That their Lordships had farther ordered, that he be detained in the custody of the Serjeant at Arms, until he had gone before the Lord Chief Justice of the Court of King's Bench, and entered into a recognizance of 500*l.* himself, and found two sureties to enter into recognizances of 100*l.* each, for his good bearings towards the Earl of Coventry for three years.

The House adjourned.

Tuesday, 27th March.

Several bills were received from the Commons, and the titles read at the table.

The House adjourned.

Wednesday, 28th March.

Several bills were received from the Commons.

The House adjourned.

Thursday, 29th March.

Heard Counsel on the Scotch Peerage, and ordered farther hearing on Tuesday.

The House in a Committee, Lord Cathcart in the chair, went through several bills received from the Commons.

The House adjourned.

Friday, 30th March.

The Royal assent was given by commission to several bills.

The House adjourned.

Monday, 2d April.

The Duke and Duchefs of York's Annuity bill passed the Committee, and was ordered to be reported.

The House adjourned.

Tuesday, 3d April.

The order of the day was read for the third reading of the Duke and Duchefs of York's Annuity bill.

Some conversation took place, after which the bill was read a third time.

The House adjourned.

Wednesday, 4th April.

The House proceeded to hear Counsel on a Scotch appeal.

Several bills were received from the Commons.

The House adjourned.

Thursday, 5th April.

His Majesty came down to the House, and gave his assent to several bills.

The House adjourned to

Tuesday, 17th April.

Heard Counsel in a Committee on the Scotch election petitions.

The House adjourned.

Wednesday, 18th April.

Heard Counsel on a Scotch appeal.

The House adjourned.

Thursday, 19th April.

Heard Counsel and examined evidence in a Committee on the Scotch election petitions.

The House adjourned.

Friday, 20th April.

Several bills were read a third time and passed.

The House adjourned.

Monday, 23d April.

The Aldersgate Annuity bill was read a first time, and ordered to be read a second on Wednesday.

The House adjourned.

Tuesday, 24th April.

Ordered that the order of the day for the second reading of the bill to remove doubts respecting the rights and functions of juries in criminal cases, be deferred to Friday next.

The House adjourned.

Wednesday, 25th April.

Received a private bill from the Commons.

The House adjourned.

Thursday, 26th April.

Several bills were read a third time, and passed.

The House adjourned.

Friday, 27th April.

The order for summoning their Lordships was read.

Lord KENYON said, it was of the utmost importance to the course of justice, that the bill now before their Lordships should be thoroughly understood; and he was afraid that, in the wording of this bill, there was considerable inaccuracy.—The terms were vague—the meaning undefined. It was not clear what was the intention of the bill, nor whether the words would carry into effect the intention of its friends. He had no hesitation in his own mind to say, that between the preamble of the bill and the enacting clauses he found inconsistency and want of relation; but he was aware that this defect might be amended in the Committee. The question for their consideration now was, whether there were doubts in the practice, such as the bill declared to exist. For himself, he had never had any dispute on the point of law and fact with the jury.—Lord Hardwicke had given a clear opinion, that in matters of libel, the jury were to judge only of the facts—the Judges of the law; and it had, with so few exceptions, been the practice of the Courts to direct the juries in this way, that he confessed he thought it singular that it should be asserted there were doubts on the subject. The only dispute he had ever seen was, whether the truth of the matter set forth in the indictment, or information, was a bar to its being a libel, and whether evidence could be legally admitted of the truth of the matter at issue. Would the present bill finally determine this doubt? Sincerely wishing to have the bill thoroughly understood, he would move to put two questions for the opinion of the Judges—

1. “Is the criminality or innocence of the subject matter
“of any written or printed paper, set forth in an indictment
“or any information for a libel, a matter of fact or of law,
“where no defence is made by the defendant?”

2. “Is the truth of the matter set forth in an indictment or
“information for a libel, a legal objection to such libel? and
“whether the epithet *false* be a necessary averment in such in-
“dictment or information?”

Earl STANHOPE said, as the noble and learned Lord had not gone into argument that day, but had contented himself with throwing forth his doubts, he should not now trouble their Lordships with any observations: he had no objections to the questions of the learned Lord, though he thought them unnecessary; but he begged leave to say, that whenever the day

of discussion came, he should be ready to argue the question with the learned Lord on legal grounds, on constitutional ground, on common sense—and in every way that the learned Lord might think fit.

Lord LOUGHBOROUGH professed his doubts, whether the questions propounded by the noble and learned Lord were worded in that clear and precise way that would enable the Judges to give a specific answer, so as to answer the wishes of the noble and learned Lord. That the difference between matter of fact and matter of law, in cases of libel, was so marked and distinct, as to be easily separated, he had his doubts, and undoubtedly it ought to be their study, when they called for the opinion of the Judges, to put their question in such clear terms, as should not involve them in nice and subtle distinctions. He could hardly frame to his own imagination a case of libel, where the matter at issue was merely a matter of law unmixed with fact. There were always circumstances of simple fact, indeed, such as the publication, and so forth, which were not criminal in themselves, but in the construction and application of the libel, there were facts essential to the guilt or innocence of such publication. Opinions, for instance, might be innocent under one set of circumstances, and criminal under another.—It was the application to times, and persons, and circumstances, that constituted the libel; and this was as much a fact, as the mere fact of the printing and publishing. To attempt to separate them was difficult, and dangerous. It certainly, as the bill on the table set forth in the preamble, had introduced doubts, and, in his mind, had done mischief. It was the refuge to which libellers had fled for safety. They had confidence that their particular question would be lost in the greater question between judge and jury; and they had hopes that a jury struggling for what they conceived to be their own rights, would overlook the case of the individual, upon which they were impanelled. That the Jury should have no distraction from the subject immediately before them—that nothing should be placed between them and their consciences, was a truth so manifest, that he was sure the settling of this question would give a security to the country against libellers, instead of destroying the barriers against them. And it was the opinion of the most eminent authorities in the law, that the jury had the

power of the whole case. It was the spirit and essence of our jurisprudence, and it was so simple and salutary in its operation, that he was sure if he could succeed in describing it to their Lordships as clearly and as forcibly as he felt it, they would agree with him in admiring the wisdom and efficacy of the principle, in opposition to the involved and entangled mode which had crept into practice in some cases, and which it was the purport of this bill to do away. In the early history of England, when our common law was simple, every man was supposed to be perfectly competent to the functions of deciding on civil actions, and they were in truth so little intricate, that they could not mistake the truth and justice of the question. A false decision therefore gave rise to the suspicion of a corrupt motive, and a bill of attainr lay against the jury in civil actions. As the law came, in the progress of the multiplied division of property, to be a science, and where cases of such difficulty might arise as to confuse the jury, and that their decisions might be erroneous without a suspicion of corruption, the Courts took a new course, and on certain grounds they granted new trials. In criminal prosecutions there was no such thing.— There was no bill of attainr. He had never found that any bill of attainr had ever been issued against a jury for a verdict in a criminal trial. Mr. Justice Vaughan, one of the greatest and most upright men who had ever adorned Westminster-Hall, had found a passage, in an obscure corner, which asserted the doctrine, but he had shewn it to be untrue, and had dismissed it. Their decision was final. There was no control upon them in their verdict. The evident reason and good sense of this was, that every man was held to be acquainted with the criminal law of the land. Ignorance was no plea for the commission of a crime, and no man was therefore supposed to be ignorant of judging upon the evidence adduced of the guilt or innocence of a defendant. The facts proved might, in the eye of the law, constitute one description of felony or another, which it was the office of the Judge to explain to the jury, or whether the crime, if proved to their satisfaction, was murder or homicide, and the like, but, with this direction, they had the whole case in their own hands, and gave complete deliverance or conviction to the prisoner. In civil cases it was the known practice to be otherways. A man was not bound, in all cases,

to know the common law, or at least large allowances made for ignorance. A liberal interpretation was given to a man's will, written by himself. But in the criminal law there was no latitude. This was the decided opinion of Sir John Vaughan, and this doctrine applied generally to all the code. But in libel, attempts had been made to separate the law from the fact, and the consequence was, that a Judge in directing a jury upon the matter of law, instead of doing as in other cases, that is, instead of telling the jury what the law was, took the defendant out of the hands of the jury by speaking in this way: "The matter of this charge you have nothing to do with—that is law—I will not tell you what the law is—but do not fear for the defendant—bring him in guilty of the mere fact of publishing and leave him to us—if he is innocent we shall so find." Now this course, which was not pretended to belong to any other part of our criminal law, did in the cases of libel raise difficulties which entangled the jury—which confused their judgements in some cases—which provoked their passions in others—and which created a question on the rights of juries that, as he had said, was resorted to by libellers, and sheltered them from the punishment due to guilt. Nothing could be more irksome to the Judge than to leave a doubt on the subject. Nothing could be more injurious to the community than to have it left in the way in which it stood. The opinion of Sir John Vaughan was clear and decided, and many other of the most venerable authorities sanctioned the same doctrine. That the facts must make the criminality or the innocence of the publication was so clear, that they could never be left out of the question, without taking from the jury the powers of judgement. Opinions and assertions might be perfectly harmless at one time, and seditious at another. A number of texts from holy writ, perfectly innocent, and even sacred in themselves, might be strung together, and distributed among an inflamed multitude, so as to be seditious. Who were to judge of this? The jury surely, who were to have before them, not merely the texts themselves, but the time, place, and circumstances under which they were published, and by which they were to judge of the intention of the publisher, and the tendency of the writing. He knew but of one way in which the case of a libel could come purely to be a matter of law,

and that was in a plea of demurrer, when the defendant acknowledged all the evidence, all the averments, and all the innuendos to be true as exhibited, but pleaded that the whole, taken as asserted, did not constitute the crime of libel. Then undoubtedly it came to be an unmixed question of law, upon which the Judge was to instruct the jury, and then under his explanation, they had the whole matter in their power. He apologised for going so much at length into the question on that day.

The LORD CHANCELLOR said, he would confine himself strictly to that part of the argument which referred to the questions proposed to the Judges. The noble and learned Lord's opinion contradicted a long and uninterrupted series of legal authority, and at the proper time he should certainly go at some length into the subject. The instance which the noble and learned Lord had given of the crime of connecting and issuing texts of scripture among an inflamed multitude, would, in his opinion, in the circumstances described, be something more than libel; it would be a different and a higher crime. He perfectly agreed, that a writing contracted its libellous character from the season and circumstances under which it was published. He had no hesitation in saying, that speculative opinions on the nature of government, were proper, unless in circumstances of alarm and confusion, when they might tend to disorder. He had no hesitation in saying, that, in the present moment, not only inflammatory observations against Magistrates, but observations tending to vilify the constitution of Magistrates, to unsettle it in the public mind, and to shake its legal authority, as vested by the laws of the land, were libels which the Government ought rigorously to pursue, and which he trusted would be pursued, wherever they appeared, to exemplary punishment. He differed with the noble and learned Lord on the idea of there being any more knowledge of the criminal law alledged to the subject than of the common law. No man was supposed ignorant of either the one or the other; and it was not a sufficient argument to say, that because there were doubts upon any legal point, they should bring in bills to change the happy practice of the Courts. In a book lately published by Mr. Leach, there was a collection of the legal doubts, which, on the first day of every term, had come before the

Judges in Serjeant's Inn Hall, for some time past, and which formed as ample a collection of thistles as any man would wish to see. Were their Lordships prepared to clear up all these legal doubts, by declaratory or by enacting bills? He quoted the great authority of Lord Hale for the doctrine, that the question of law lay always with the Judges, and it was necessary to the unity of the law that it should do so. Endless confusion would arise, if it lay with the jury. How could a Cumberlandman know what was the law upon any case in Cornwall, or *vice versa*, how could a Cornishman decide on a case in Cumberland. There would be endless confusion in the practice; whereas, by keeping it in the hands of one set of men, it became the same for all the kingdom.

Lord PORCHESTER said, it was not his province to contend against great lawyers on points of law, but he would presume to mix in the discussion where it was merely a matter of common sense. The noble and learned Lord's argument, that a Cornishman could not form a judgement of the law on a crime in Cumberland, was an argument which he could not reconcile to common sense. Was there any geography in morals? Was not murder, murder both in Cumberland and Cornwall? Did malice change its quality by its local situation? And was not a man of any one county as capable of deciding on a crime in another county as in his own? Did he lose his power of judgement by the change of place? And if this was true, did not this diversity exist as to all the catalogue of crimes, except the privileged one of libel, which alone, for the sake of unity, was reserved to the Judges? The noble Lord answered also what fell from Lord Kenyon, as to the truth being a justification. By this bill, he contended that the question of admitting evidence in justification would be settled; for the jury were directed to decide upon the whole matter in issue, and as the *quo animo* was a matter in issue, they were clearly to decide upon that from all the circumstances. He concluded with reading three questions, which he should propose to the Judges, and of which they would see the drift, without his explaining them. The first was, whether, in a trial on an indictment or an information for a libel, the innocence of the defendant was clearly proved, it was competent for the jury to

acquit the defendant? And two other propositions on the admissibility of witnesses.

Lord KENYON answered Lord Loughborough. He was astonished to hear the learned Lord say that the doctrine of the bill of attain being applicable to criminal juries, was to be found in an obscure corner. It was in Lord Hale, and his books were surely not obscure. He contended also that the doctrine was incorrect, that we were supposed to know the criminal law better than the civil law. Every man suffered the penalties of ignorance in every thing that he did. An estate to be devised legally, must have three witnesses to the will, and no ignorance could be pleaded in bar to this practice.

Lord LOUGHBOROUGH said a few words in reply, first to the Lord Chancellor. He had accused him of asserting an opinion in contradiction to a long and uninterrupted series of legal authorities. Let this be tried between us, said the noble Lord. Suspend your opinions for the time, and I pledge myself to prove, that the doctrine I have laid down is supported by many of the greatest and most enlightened men of Westminster. With respect to the doctrine of the bill of attain, applied to criminal juries, being found in an obscure corner, he had said explicitly, that Lord Vaughan had first found it in an obscure corner. That it had been asserted since he never denied; but he had said that an instance of its use had not been found. He concluded with reading two questions which he should put to the Judges:

1. "Whether, in the trial of an indictment on information for a threatening letter, the purport of such letter is a matter of fact, or of law?"

2. "Whether, in a trial for high treason, and where letters were adduced as evidence, the purport of such letters be a matter of fact, or of law?"

Lord MULGRAVE argued strongly for the propriety of settling the doubt, which their Lordships had the best opportunity of seeing did exist on this subject; and he quoted an opinion of Lord Chief Justice Fortescue, for giving to the jury the whole question; but he contended, above all, against suffering the questions to go to the Judges. Did they mean to assume their answers as reasons for or against the bill? If so, the judicial were to be mixed with the legislative functions—a

thing hostile to the spirit of the constitution, and inconsistent with policy and reason.

Viscount STORMONT said, as he did not conceive it to be the intention of the House to enter into any long discussion this night, he would only trouble their Lordships a few minutes, in consequence of what had fallen from the noble Lord who had spoke last. That noble Lord had put the subject in a new light, and the question now was, whether any question ought to be put to the Judges or not? On a subject of such a nature, and of so great importance as the present, their Lordships certainly might entertain doubts, and if these doubts were not removed, they might be in danger of finding that to be law, which really was not, and for this particular cause, above all, he thought that the opinion of the Judges ought to be asked, as the surest and safest guide for their Lordships' government in passing such a bill as the present.

The Earl of LAUDERDALE wished to say a few words respecting the present practice of the Judges, as it was stated to be by the noble and learned Lord who had spoken lately, and with all due submission he would endeavour to put that matter to rights. The learned Lord had said, the practice of the Judges was never to refuse any evidence for the defendant, that tended to clear him of seditious motives. One instance of the contrary, he begged leave to offer to their Lordships, because, though it might be pretty generally known, yet perhaps all of them had not read it. It was the case of the Dean of St. Asaph. The only evidence which he, as defendant, offered, was the appearance of respectable witnesses to prove his character, and their opinion was, that from the knowledge they had of him, they did not believe that he could have published the pamphlet from seditious motives. This the Judge did not refuse, but he added a remark of his own, which was, that character had nothing to do with the jury, in finding guilty, or not guilty, of publishing, nor ought it in the least to govern them in the case. If this could not be called withholding evidence, he certainly thought it was very near it. He was therefore for proceeding in the bill, without farther delay.

Lord GRENVILLE said, he wished, for the reasons given, that the questions proposed might be put, because he thought it was material to have the law explained and fairly understood,

that no doubt might be about what juries could or could not do ; and certainly the most effectual way to do this, was to have those questions now proposed resolved, particularly at the present juncture, when every attention was necessary that tended to preserve inviolate the existing laws, and the constitution as it now stands. He was at the same time well aware, that the present mind of the country was such, that juries of the present day would not readily acquit a man guilty of seditious libels, nor could such a circumstance occur, except when a jury was misled by an ingenious advocate. He was clearly for putting the questions, that all doubts might be removed ; and he gave it as his decided opinion, and wished that the law might be the same for the government of all juries, and in all places over the kingdom, whatever Judge a case might come before.

The motion for putting the questions to the Judges was put and carried.

The House adjourned.

Monday, 30th April.

Several public and private bills received the Royal assent by virtue of a commission under the Great Seal.

The House adjourned.

Tuesday, 1st May.

Read a third time and passed, the consolidated fund bill, and several private bills.

The House adjourned.

Wednesday, 2d May.

The Earl of ELGIN, in a short speech, moved the second reading of the bill for granting relief to the pastors, ministers, and others, of the episcopal communion in Scotland.

The LORD CHANCELLOR left the woolfack, and went at some length into the ecclesiastical history of the country; he opposed the bill, upon the principle that no

persons whatever could be Bishops legally, except such as had gone through the usual and necessary forms of ordination, established by the 10th of Queen Anne. He admitted in general terms that some relief might be given with safety to the persons described in the bill, but pointed out several political and technical objections to the bill in its present form.

Lord Viscount STORMONT replied to the noble and learned Lord, and contended, that such a bill, though with some amendments and additions which it might receive in a Committee, was proper and expedient—the penalties which the class of men it went to relieve were liable to, had been enacted in very different times from the present; when those who were Episcopalists in Scotland, were avowedly disaffected to the Family on the throne; the case was very much otherwise now, when they not only of their own accord prayed for the King by name, and the family succession, but took all the oaths that Government required of the established clergy in this country. With regard to the amendment proposed by the noble and learned Lord, that the episcopal pastors in Scotland should be ordained by some prelate of England or Ireland, he thought it was, with all due deference, impossible for the episcopalists in Scotland ever to agree to it; because, how could those who had for many years back advanced that they were sufficiently ordained, and had acted upon that supposition, reconcile themselves to a second ordination without giving the lie to all that they have already maintained? If they were conscientious men, which there was every reason to believe they were, they never could agree to a second ordination: and if they were not, they deserved no relief at all. With regard to marriages, it was well known that marriage was nothing more in Scotland than a civil contract; and if a party from Scotland came to their Lordships' bar to have a marriage annulled for no other reason than that the ceremony was performed by an episcopal clergyman of that country, he did not believe that the noble and learned Lord would for a moment hesitate to refuse such a claim. The noble Viscount

concluded by an apology to the House for taking up so much of their time in this stage of the bill.

The Bishop of ST. DAVID's said, my Lords, I am happy to perceive, that in the sentiments, which I have to deliver to your Lordships upon the present subject of discussion, I shall not have the misfortune to differ very widely, in any thing that essentially regards the principle of the bill, from the noble and learned Lord upon the woolsack. My Lords, a wide difference from him I should call a misfortune, because it would necessarily produce in me a degree of mistrust of my own judgement, which would considerably abate the satisfaction which otherwise I might feel in following what still might be the firm and full conviction of my own mind. Nevertheless, my Lords, in any question in which the interest of religion, the public weal, and the credit of the Legislature, might be concerned; a question of justice and mercy towards a suffering part of the family of Christ, it would ill become me to be concluded in the vote that I should give upon any authority but that of my own conviction; and it might not less misbecome me to oppose a high authority by a silent vote, without stating to your Lordships the grounds on which my contrary conviction stood.

My Lords, the principle of this bill has been so clearly stated by the noble Earl, (Lord Elgin) who moved the second reading, and so well illustrated by the noble Viscount (Lord Stormont) who spoke last, that it is unnecessary to dwell upon it. The object of the bill is to relieve certain Dissenters from the established Church of Scotland, well affected to his present Majesty and the protestant succession, from the penalties of disaffection imposed by former laws.—My Lords, the hardship under which they labour consists not in the severity of the penalties. Disaffection in former times was generally among persons of their religious persuasion, though not necessarily connected with their religion. And of the measure of severity that might be necessary for those times, the Legislators of those times were the judges. But, my Lords, the hardship is, that the present generation, being converted from the disaffection of their

ancestors, and retaining only their religious principles, cannot by any thing they can do, by any security that they can give for their good conduct and submission to Government, secure themselves against the penalties of disaffection. As cordially attached as any of us to the existing Government, taking the oaths that we all take, praying in their assemblies for His Majesty King George and the Royal Family, by name, in the terms in which we of the Church of England in our own liturgy pray for them; still they are liable, Clergy and Laity, to all the penalties of the 19th of George the Second.

My Lords, the good policy of this bill of relief is not at all connected with any question about the antiquity of the practice of praying for Sovereigns. From what fell from the noble and learned Lord, I think there must be a mistake upon that point. His Lordship must have received some misinformation. My Lords, I cannot believe that these Episcopalians ever alledged the example of the ages before Constantine, in justification of their omission, in former times, of praying for the King by name. Prayers for Sovereigns is one of the very oldest parts of Christian worship. These Episcopalians must very well know, that the precept of praying for Kings, and all that are in authority, is 300 years older than Constantine; and that it was the constant practice of the earliest Christians to pray ever for the Princes that persecuted them. My Lords, their omission of praying for the King, by name, was owing to their notions about indefeasible hereditary right, which would not suffer them to renounce the family to which their allegiance had once been sworn, nor to adopt the principles of the revolution. The omission was not defended by any pretended example of antiquity. It stood upon no better ground than that of gross and avowed disaffection.

But, my Lords, the example of the ages before Constantine must have been alledged to a very different purpose. It has been alledged by these Episcopalians, to justify their claim to an Episcopacy, and to explain what sort of Episcopacy that is which they claim. My Lords, it is not

my wish to lead the House into the perplexities of that theological discussion. I shall comprise what I find necessary to say upon it in very few words. My Lords, these Episcopalians take a distinction, and it is a just distinction, between a purely spiritual and a political Episcopacy. A political Episcopacy belongs to an established Church, and has no existence out of an establishment. This sort of Episcopacy was necessarily unknown in the world before the time of Constantine. But in all the preceding ages there was a pure spiritual Episcopacy; an order of men set apart to inspect and manage the spiritual affairs of the Church, as a society in itself totally unconnected with civil Government. Now, my Lords, these Scotch Episcopalians think, that, when their Church was cast off by the state at the revolution, their Church, in this discarded divorced state, reverted to that which had been the condition of every Church in Christendom, before the establishment of Christianity in the Roman Empire by Constantine the Great; that losing all their political capacity, they retained however the authority of the pure spiritual Episcopacy within the Church itself; and that is the sort of Episcopacy to which they now pretend. I, my Lords, as a Churchman, have some respect for that pretension. But I have no wish to lead the House into a discussion about it. The merits of the bill rest not on the validity of that Episcopacy in any sense. In what sense the Bishops of this Church of Scotch Episcopalians may be Bishops, whether they are Bishops in any sense, is not the question. What the validity of their ordinations may be, is not the question. The single question is, are these Scotch Episcopalians good subjects, and do they hold religious principles, in the emphatic language of the noble and learned Lord on the woolsack, *fit to be tolerated*? That is to say, are they good subjects, and do they agree with us in the fundamentals of Christianity? for those are the religious principles *fit to be tolerated*. If they can satisfy us on these points, the Legislature is not at all concerned in the question of the spiritual validity of their orders. My Lords, consider only how we deal with Protestant Dissenters here in England; for all that I would ask for our Scotch brethren is, that they, as Dissenters from the established Church of Scotland, should be put upon the same footing with the Protestant Dissenters from the Church of England.

My Lords, by the Toleration act of the 1st of William and Mary, a Pastor of a congregation of Protestant Dissenters must enter the place and situation of his meeting-house; he must give in his own name and place of abode; he must take the oaths to Government; and he must shew that he agrees with us in the fundamentals of the Christian religion; and by the terms of that statute, which is the narrowest of all the present schemes of toleration, he must moreover testify his agreement with us in the general principles of Protestantism. This he does by subscribing a great many of the 39 articles. My Lords, when the dissenting Minister has complied with these conditions, he is never asked, no one has authority to ask him, "Sir, how comes it that you call yourself a Clergyman? What are your orders? By whom were you ordained? By what ritual?"—He has given the security, that all good subjects give, for his loyalty to Government. He professes religious principles *fit to be tolerated*. That is enough. He is admitted, without farther inquiry, to all the benefits of toleration. Now, my Lords, here are a set of Dissenters from the established Church of Scotland, good subjects, and holding religious principles very *fit to be tolerated*, my Lords; for the cause of their dissent from the established Church of Scotland, is their very near agreement with the established Church of England; and they approach your Lordships with this modest request, that they may not be more hardly dealt with, than Protestants of various denominations, differing more widely from both establishments.

My Lords, one thing that fell from the noble and learned Lord on the woolsack, struck my mind very forcibly, as deserving, I mean, a serious consideration. His Lordship gave it as his opinion, that it would be for the credit of Episcopacy in Scotland, that their congregations should be supplied with Ministers, according to the intention of the 19th of the late King, ordained by Bishops of the English or Irish Church. The noble and learned Lord, if I took his argument right, said, that the statute, passed in favour of the Scotch Episcopalians, in the 10th of Queen Anne, would bear him out in that opinion. That statute made it "free and lawful for all those of the Episcopal communion in that part of Great Britain called Scotland, to meet and assemble for the exercise of" Divine

“ worship, to be performed after their own manner, by Pastors ordained by a Protestant Bishop.” The noble and learned Lord conceives, that under the latitude of this expression, “ a Protestant Bishop,” the statute meant indeed to tolerate the ejected Bishops, and the Clergy immediately ordained by them, but not to extend the toleration to the succession. My Lords, I must take the liberty to differ from the noble and learned Lord upon the construction of this statute of Queen Anne. I think it was the intention of the statute to extend its toleration, beyond the ejected Bishops themselves, to the whole succession. For I find, my Lords, that of the thirteen Bishops of Scotland ejected at the Revolution, (the dioceses were in all fourteen, but it happened that one see was vacant when the Revolution took place; thirteen Bishops, therefore, were ejected. Now of those thirteen) seven certainly, probably eight, were dead before the 10th of Queen Anne, and a ninth was out of the kingdom; for he fled with the abdicated King. At the time, therefore, when this act was passed, no more than four of the ejected Bishops were alive, and within the kingdom. And four new consecrations had taken place; two in the 4th of Queen Anne, and two more in the 8th. At the time, therefore, when this act was passed, the Scotch Episcopacy consisted of an equal number of the original Bishops, and of the succession; four of each; and if it was the intention of the act, as the noble and learned Lord has argued, to confine the toleration to the ejected Bishops, and exclude the succession, I can only say, my Lords, that the framers of that statute did their business not quite so well as business of that sort was used to be done in those times.

My Lords, with respect to the interests of Episcopacy in Scotland, my opinion is unfortunately the very reverse of that of the noble and learned Lord. The credit of Episcopacy will never be advanced by the scheme of supplying the Episcopalian congregations in Scotland with pastors of our ordination. And for this reason, my Lords, that it would be an imperfect, crippled Episcopacy that would be thus upheld in Scotland.—When a Clergyman, ordained by one of us, settles as a pastor of a congregation in Scotland, he is out of the reach of our authority. We have no authority there; we *can* have no authority there. The Legislature can give us no authority there.

The attempt to introduce any thing of an authorized political Episcopacy in Scotland, would be a direct infringement of the Union.

My Lords, as to the notion that Clergymen should be originally ordained by us to the ministry in Scotland, I agree with the noble Viscount, that the thing would be contrary to all rule and order. No Bishop, who knows what he does, ordains without a title. And a title must be a nomination to something certain in the diocese of the Bishop that ordains. My Lords, an appointment to an Episcopal congregation in Scotland is no more a title to me, or to any Bishop of the English Bench, or any Bishop of the Irish Bench, than an appointment to a Church in Mesopotamia.

My Lords, with respect to marriages, I agree with the noble and learned Lord on the woolsack, that, if this bill should pass, the Episcopalians will be authorized to marry in their meeting-houses by the 10th of Queen Anne. But, my Lords, I see no inconvenience that can arise from this. It will open no door to clandestine marriages. For though they will be authorized to marry, they will not be authorized to marry otherwise than in conformity to the regulations of the 10th of Queen Anne; that is to say, they can marry those only whose banns have been regularly published, not only in the meeting houses where the marriage is to be solemnized, but in the kirks of the parishes where the parties are resident.

But, my Lords, I go farther. I say, that this bill will give them no authority with respect to marriages, but what they do already enjoy and exercise. My Lords, the fact is, that these Episcopalians do *now* solemnize marriages every day. They solemnize marriages legally. They solemnize marriages under the express covert and sanction of the persecuting statutes. And these marriages so solemnized by them—My Lords, in what I am going to assert, I stand in the judgement of noble Lords to whom the laws of Scotland are more accurately known than they may be supposed to be to me—But, my Lords, these marriages solemnized by these Episcopalians, are, I say, good and valid by the laws of Scotland. And, my Lords, the ground of my assertion is this: our marriage act extends not to Scotland. Therefore by the law and usage of Scotland it is not necessary that any should be present at a wedding, except

the parties themselves (that is two) the man, who is to act as father and give the bride away (that is three) and the Clergyman, or pretended Clergyman, who is to perform the ceremony, (that is four.) Now, my Lords, by the express permission of the 19th of the late King, which I call the persecuting statute, four persons may assemble for the celebration of any religious rite. For the meeting is not illegal, unless five be present, over and above the members of a family, if the place of assembly be a house inhabited by a family, or five, if the place of assembly be a house not inhabited by a family.

My Lords, these are my notions upon the points that have been agitated. I shall not go into points that have not been brought forward in objection, though I am prepared to meet any other objections that might be moved. But I am sensible that I have already taken up too much of your Lordships' time, and I fear, rather irregularly, when in fact no express question is before the House. I am aware that the bill must receive amendments in the Committee, and perhaps additions. But the principle of the bill has my entire approbation.

Lord HAY (Earl of Kinnoul) made a short speech in favour of the bill, upon the principles of universal toleration; after which, the bill was read a second time, and committed for Wednesday next.

The House adjourned.

Thursday, 3d May.

Lord Mornington and other Members desired a conference with their Lordships, upon a matter of high concern to the honour and interest of the kingdom.

The conference was immediately held in the Painted Chamber; the Duke of Leeds in the chair; with eleven other Peers.

The Chancellor of the Exchequer, Mr. Fox, and Mr. Wilberforce, Sir Watkin Lewes, and other Members, attended below the bar, when Mr. Pitt addressed the Chair; and delivered the resolutions which the Commons have already come to, for the gradual abolition of the slave trade.

The report of the conference was made by the Duke of Leeds, and the several resolutions were read.

Lord GRENVILLE said, it was his intention to move the House, that the papers transmitted from the Commons might be printed, that the House might be in possession of the facts; and it appeared to his Lordship impossible for any noble Lord to object to the resolutions submitted by the Commons to their consideration.

Lord STORMONT insisted that proof of all the facts on which the resolutions of the Commons were founded, ought to be authenticated upon oath at the bar of the House. In the case of the Irish propositions, this was the mode adopted. His Lordship never would give up the privilege and power of that House to judge for itself, and would not give implicit confidence even to the House of Commons.

Earl STANHOPE called it an abominable accursed trade, which needed no other proof than to prove the existence of it, in order to convince the noble Lords, in common with the rest of mankind, that it ought to be abolished. If the traders in that infamous traffic had any substantial proof to do away the general opinion which existed of the cruelty of the trade, the *onus probandi* lay upon them.

The Duke of CLARENCE, (his maiden speech) in a tone of delivery very neat and animated, declared, that he had no previous intimation that a question of this magnitude would be suddenly brought forward, but as he now understood that a noble Lord (looking at Lord Grenville) intended to move the House to approve of the several votes which the Commons had brought up, for the gradual abolition of the slave trade, he intended to give his reasons why it ought not to be abolished at all. He had proofs in his possession, and most certainly would adduce them, that the evidence given before the Committee of the House of Commons, was at least erroneous, if not worse. The negroes were not treated in the manner which had been so successfully held up to the public view, and had so much agitated the public mind. He had been an attentive observer of the circumstances attending the state of the negroes, and had no doubt—(Here he apologised for his want of information of the rules of the House—Hear! Hear! was the response) but he could bring forward proofs to convince their Lordships, that their state was far from being miserable; on the contrary, when the various ranks of society were considered and compared

plated, they were comparatively in a state of humble happiness. Another circumstance had great weight with his Royal Highness, namely, that an implicit obedience to the dictates of the House of Commons, much as he, as an individual Peer, respected that House, would render the House of Peers useless, and thus the natural and constituent balance in the constitution would be endangered. This he never would endure. Full and substantial proof only would satisfy him, that the enormities complained of actually existed. Another consideration was, the great property and the immense commerce which were intimately connected with this trade. Upon the whole, he was determined to bring forward his proofs at a future period of the business; and he hoped he had not transgressed the rules of the House.

The Lord Chancellor, and several other Lords, spoke a few words; but no question was moved. The conversation dropped, and the House adjourned.

Friday, 4th May.

Counsel heard on an appeal.

The House adjourned.

Monday, 7th May.

Several bills were brought from the Commons and read a first time.

The House adjourned.

Tuesday, 8th May.

Lord STORMONT said, he had taken the liberty of moving, to have their Lordships summoned, in order to call their attention to the resolutions sent up by the House of Commons, relative to the abolition of the slave trade; resolutions, of as important a nature as ever had been submitted to their Lordships' consideration at any period of our history. His Lordship was satisfied, that it was unnecessary for him to remind the House, that it was not only their immediate duty to call witnesses to their bar, to give evidence to satisfy themselves of the truth of the facts upon which the Commons had proceeded,

but that they had an undoubted right to alter and modify every resolution that the other House had come to, as to their wisdom should seem meet. His Lordship said, he would not offer any argument in support of the motion, which he meant to submit to the House, as he considered it to be a motion of course, to which no reasonable objection could be offered ; but if any objections should, contrary to his expectation, be made, he relied on their Lordships' indulgence to be permitted to make a reply. He concluded with moving,

“ That this House do forthwith proceed to examine evidence on the subject of the resolutions relative to the abolition of the slave trade, sent from the House of Commons, and into the present state of the West-India islands, the average quantity of sugar and rum that they produced, and the whole of their trade.”

LORD GRENVILLE began with expressing his concern, that the noble Viscount had changed his ground, since they had last entertained the subject, and come forward with a motion, to which he not only could not give his concurrence, but should hold it to be his indispensable duty to propose an amendment. It was agreed on all hands, that delay ought to be studiously avoided, and that it was on every consideration necessary that the question should be set at rest as speedily as possible. With that view of the subject, he could not but declare, that he thought the noble Viscount's motion objectionable, as it would rather tend to procrastinate than to accelerate the decision of the great and important question, to which their Lordships must ultimately come. For his part, from what he knew of the subject, he had no scruple to acknowledge that his mind was made up completely upon it, and he was ready to agree to the resolutions of the House of Commons ; at the same time, however, he professed himself to be open to conviction, and that if any evidence could be brought, or any arguments urged, of sufficient weight and force to do away the strong impression that his mind had received, he would yield to it in deference. But clear he was, that delay, let the ultimate decision of the House be what it might, ought to be avoided ; and he conceived the receiving evidence up stairs in a Committee would save time, and essentially accommodate the House. He reminded their Lordships of the state of public business, which

pressed upon their time, and would necessarily engage the greatest part of their attention for some weeks to come. He said, it was by no means contrary to the usage and practice of Parliament to take evidence in a Committee above stairs; that the House had done so on two important occasions, viz. on the Boston Port bill, previous to the American war, and on a much more recent occasion, which could not but have left a lasting impression on the minds of every one of their Lordships. He trusted, therefore, that the House would agree with him in the amendment that he should move. He contended, that for the sake of preserving the national character from disgrace, the slave trade ought to be abolished. He described it not only as a traffic founded in inhumanity and injustice, but as a traffic impolitic and unnecessary. He said, it had been universally agreed, that our old West-India islands ought not to have new cultivation introduced in them, and that if they could be maintained in their present state of cultivation, every object of the planters, and those interested in them, would be answered.— Were that fact ascertained, he flattered himself no man would confess himself an advocate for the continuance of a trade so unprincipled. He desired to be understood, as not meaning to insinuate any thing to the prejudice of any description of persons, or of any individual whatsoever; but sincerely desirous, as he was, of coming to a decision upon the great question as speedily as possible, and at the same time of having every necessary information before them, he begged leave to move, that the words, “ this House,” be omitted, and the words, “ A Committee of this House above stairs,” be inserted in the question.

The LORD CHANCELLOR, having stated the question, as originally moved, and the amendment,

The Duke of CLARENCE contended that the cultivation of the West-India islands could not be kept up to its present extent, without fresh supplies of slaves by importation. Of this he was well informed, that satisfactory evidence would be produced at their Lordships’ bar. But even if this were not the case, who could say, that without injustice, the planters were to be prevented from extending the cultivation of their estates, by depriving them of the means? He considered the question of the utmost importance to the commerce, the navigation,

and the maritime strength of the country, on all which points their Lordships might satisfy themselves by evidence at the bar. If the result of that evidence should be to prove that the slave trade might be abolished with safety, he should retract the opinion he had formed. If, on the contrary, the effect of the evidence should be to prove that it could not be abolished with safety, he should certainly oppose it.

Lord STORMONT rose again in support of his motion, and began with some preliminary arguments relative to his conduct, when the subject had last been under discussion. The noble Secretary of State, he said, had been mistaken, in supposing that he had then meant to come forward with a motion in any essential degree different from that which he had just made. He explained, that his intention had been, to have moved, that the House resolve itself into a Committee of the whole House, for the purpose of receiving evidence, and that the only difference was, that he had then moved, "that the House itself do forthwith proceed to receive evidence."—The noble Secretary of State had on the former day offered to second his motion, and therefore he was not a little surprised at the objections he had then stated. Their Lordships would recollect, that when the Irish propositions were under their consideration, they had heard evidence at their bar, and surely the present was not a less important subject of inquiry, than the resolutions of the House of Commons relative to the Irish propositions. The noble Secretary of State, he remarked, had talked of the period of the session, an objection which appeared to him to be but of small validity, since they were only in the first week of May, and he perfectly well recollected his having sweltered in debate in the middle of July. The noble Secretary of State had said, that his mind was made up upon the subject; but surely, however enlightened that noble Lord might be upon the great question that would ultimately call for their decision, he would not deny other noble Lords the opportunity of availing themselves of some of those lights which he had obtained upon the subject. His Lordship contended, that examining witnesses at their bar, was the only dignified mode of proceeding, in a matter of such great magnitude, and that it ought not, like light and trivial topics, to be sent to a Committee above stairs, where they all knew business was transacted in

a more slovenly and less solemn manner than in the House. For these reasons he must adhere to the original motion.

Lord GRENVILLE said, he did not mean at present to enter into any discussion whatever concerning the degree of compensation to be granted to those who might think their property injured. He declared for his own part that he required no farther information on the subject than he was already possessed of to pronounce the opinion which he had formed upon this question. He certainly was not so obstinate in his opinions as to be deaf to conviction, if evidence could be produced, that upon examination the facts already brought forward should turn out to be otherwise than he had received them. The great question he took to be this: whether importation of African slaves into the West-India islands was necessary to keep up those islands in their present state of cultivation? And whether it was proper or just to continue this abominable and disgraceful trade for the purpose of increasing the cultivation? The last seemed to be given up by the friends of the slave trade, and the other he was perfectly satisfied about likewise. He knew of no consideration that ought to induce a great and free country to continue a traffic so inhuman. With regard to what had been said of the debates during the American war, and on the question of regency, he did not see how either case applied to the present.

Lord PORCHESTER said, it was much to be wished that the noble Lord, who seemed to be so well informed upon this subject, would disseminate some of those lights which he had received to other noble Lords, that might enable them to give their votes as easily as the noble Lord; hitherto they were not possessed of any such proofs. He referred to what had been urged by a noble and learned Lord, of high authority in that House, upon the libel bill, and the necessity there was for taking the opinion of the Judges in that case; and then asked, whether the importance of the present question was not of that magnitude that entitled it to a very deliberate discussion, and perhaps doubts might arise, that required the opinion of the Judges, which could not be obtained if they went to an up-stairs Committee. Supposing even that their Lordships were to resolve that the trade was illegal, how could they dispose of the petitions which lay on their table, from a very respectable body

of men, without inquiring at all whether the apprehensions and alarms, which the abolition gave rise to, were well founded or not. He was clearly for hearing evidence at the bar.

The Bishop of LONDON said, he thought himself, from what he already knew, sufficiently warranted to declare that the slave trade ought to be abolished. With regard to the mode of examining witnesses, he thought an up-stairs Committee preferable to hearing evidence at their Lordships' bar, because it could be sooner finished that way; and when noble Lords reflected that every year, nay, every month, that they delayed the abolition, they were condemning thousands of their fellow-creatures to captivity and death, they would not delay for one moment coming to resolutions on the subject. Independent of all that had been said of the treatment of those unfortunate wretches in the West Indies, he was convinced and satisfied that the methods of procuring them in Africa were wicked and abominable in the extreme. What he had seen of the evidence afforded not only a curious history of Africa, but the strongest proofs that the African slave trade was in every branch of it repugnant to religion, morality, and justice. Being therefore convinced that it was essentially and radically vicious, except very strong evidence indeed of the contrary could be brought, his mind would be made up on the question, from what he already knew. He begged leave to say, that he did not mean in any degree to throw the least reflection on the West-India gentlemen, for whom he had every reason to profess high respect. If it could be proved that an abolition of the slave trade would materially affect their property, or produce ruin to the islands, that, he confessed, would stagger his mind; but he believed it to be quite otherwise, and that a very short time would convince both this country, and those islands, that the abolition was for their mutual interest and advantage. As to the alarms occasioned by the discussion of this subject, he would only say, that the discussion of any great measure must be attended with alarms and agitation to the public mind. When the Regulation bill was brought forward, and argued, it created much alarm, and was said to be ruinous to West-India property; and yet no such consequence had taken place. From this, the learned Prelate was referring to the Russian armament, and other great questions, which had occupied the public mind, when

The Duke of LEEDS spoke to order, and reminded the noble and learned Lord, that this was not the time for entering at large into a discussion of the slave trade, far less into questions entirely distinct from it.

The Bishop of LONDON recurred to his argument, and stated, that as a Member of the Privy Council, he had for thirteen months together had an opportunity of examining into the subject, and that he spoke from the fullest experience, when he said, the slave trade was a trade unfit to be carried on or protected by any nation professing religion, morality, or even common justice; and that to talk of regulation or reform in its practice, was an idle waste of words, since the trade was incapable of correction, and therefore ought to be abolished. But he declared, he was far from meaning to shrink from the question, and was ready to consent, that evidence might, in the most solemn way, be examined at the bar, upon oath, conscious that the more it was investigated, the more it would be felt, that it ought to be put an end to.

Lord HAWKESBURY thought it consistent with their Lordships' wisdom and dignity not to agree to any resolutions formed elsewhere, without being in possession of sufficient evidence; the best way to arrive at which, he took to be by examination at the bar. In arguing the commercial interest which this country had in the West-India trade, a good deal had been said respecting sugar, but he desired noble Lords to consider, that there were other articles of that trade which were of equal value, and deserved equal attention, coffee and cotton, particularly the latter, which was a very profitable and essential one. A certain number of noble Lords who had spoken, recommended evidence being heard at the bar, others had preferred an up-stairs Committee, and each seemed satisfied that their mode was right; but could all their Lordships say, that they were sufficiently informed and satisfied on this subject?—He would not hesitate to say, that the commercial interests of the country would suffer by an abolition of the slave trade; and he agreed in what had been so ably stated by a noble Duke, that the navigation of the country must suffer, and he knew the revenue must. He begged their Lordships might consider themselves a Court of Judicature, as well as humanity, and have some respect for charters granted, and acted upon for

more than a century and an half, which, in his mind, they were either pledged to adhere to, or to make compensation to those who were sufferers, and deceived by the sanction they had so long received. If the petitioners prayed to be heard by Counsel at the bar, he thought it could not be refused to them; the great cases that had been alluded to, and the manner in which they had been discussed, he thought were very proper and applicable precedents.

Lord SYDNEY made a short speech in favour of hearing evidence at the bar, and thought the question might be as expeditiously discussed in that way as by a Committee up-stairs, in the way of the Committees of Privileges on the Scotch Peerage election, and the trial of Mr. Hastings, which sat two days a week, and would interfere with a Committee up-stairs even if that mode was adopted.

Lord SOMERS said a few words in support of the argument of Lord Hawkebury,

The LORD CHANCELLOR left the woolfack, and began with expressing his approbation of the form of Lord Stormont's motion, which referred to all the trade of the West-India islands, and necessarily included cotton, as well as sugar and rum. His Lordship considered the resolutions of the lower House of Parliament, as an attempt to legislate in this country for the regulation of the West-India islands internally, which he stated to be perfectly new, and altogether unprecedented. Viewing, therefore, the very great importance of the object, it was incumbent on their Lordships to act independently and substantively for themselves, without being at all guided or governed by the conduct of the House of Commons. If he could be satisfied that the West-India islands could be better cultivated by a different mode of cultivation, than the planters themselves practised or thought practicable, he should perhaps be willing not merely to encourage the planters to adopt that mode of cultivation, but ready to employ some degree of force, to oblige them to adopt it. He glanced at the long continuance of the African trade, and asked how it happened that in the year 1792, that trade should be considered as utterly unfit to be continued, which the Legislature had for so long a series of years, not only legalized, but uniformly encouraged? With regard to the immediate question before the

House, it was well known, that several noble Lords had indispensable avocations on the forenoon of every day, and could not possibly attend a Committee above stairs; that undoubtedly the subject was large enough to call for every degree of solemnity and dignity that the House, by any of its forms, could give its proceedings upon it, and that it would not be pretended, that business was transacted in a Committee above stairs with the same degree of solemnity as in that House. With respect to the two precedents that had been cited by the noble Secretary of State, he did not see any sort of analogy between them and the subject under discussion. In the case of the Boston Port bill, the Committee above stairs were appointed, not to examine witnesses and receive evidence, but merely to have certain papers, that had been presented to the House, referred to them for the purpose of their inquiry into the truth of their contents, and reporting thereupon to the House. In the other case, in which their Lordships' conduct reflected so much glory on the character of the Sovereign, and so much credit on themselves, they must all recollect that the object of the Committee was only to search for, collect, and report precedents. Neither of these instances therefore went to the present point; and upon a consideration of the arguments used on all hands, he thought the original motion ought to be sustained.

Earl STANHOPE said, the noble and learned Lord had treated this subject more with sophistry than argument; but its importance and clearness put sophistry entirely out of the question; what particularly called him up was, the very curious proposition of the noble and learned Lord, when he seemed so delicate to interfere in legislating for the internal government of the colonies. Certainly the slave trade in Africa^o was no article of internal legislation; and this doctrine surprised him the more, when he recollected the sentiments of that learned Lord during the American war; but what must he think of the noble Lord's delicacy for the internal government of the islands, by not putting an end to the African slave trade, when he follows that up by a declaration, that if extending their cultivation was profitable, this country should force them to it; this, in his opinion, looked something more like legislating for the colonies than the other. The cases alluded to were foreign

to the question; and he was decidedly for proceeding with the utmost dispatch to a complete abolition.

Lord RAWDON said, he should not have uttered a syllable on the subject of the present question, had he not heard what had just fallen from the noble Earl, whose warmth he could not but disapprove, since the subject, from its importance, from the bearing it had upon our commerce, our navigation, and colonial interests, ought to be discussed and considered with the utmost temper, and the most governed moderation. He professed himself a friend not only to abolition, but an advocate for immediate abolition, as his mind would not allow him to compound with iniquity. He highly approved of the ample manner in which the noble and learned Lord on the woolsack had argued the subject, and thought the question lay in a very narrow compass. His Lordship recommended it to the House to treat the whole of the consideration with candour and coolness. He also said, he thought the noble Secretary of State wrong in having in that early stage of the business asserted that he had made up his mind on the subject. Every noble Lord ought to be open to conviction, and the resolutions of the House of Commons must fall far short of the noble Secretary of State's idea, according to his own statement, as his mind must necessarily go to nothing less than an immediate abolition.

The Bishop of ST. DAVIDS's declared, that he wanted no evidence to convince him of the iniquity of the slave trade, which, from what he had read upon the subject, he was satisfied could not be countervailed by any principles of policy or expedience. He acknowledged, that he sensibly felt that considerations of moral duty must ever supersede objects of mere policy, and in the case of the slave trade the cause of morality, religion and justice forcibly opposed itself to its continuance.—Admitted, as it was agreed on all sides, that delay ought to be avoided, the question was, which mode of proceeding was the most likely to accelerate, and to prepare and fit their Lordships for the discussion of the grand point, viz. the question of abolition, and viewing the arguments that had been used fairly, he really thought the receiving evidence at the bar of the House the most preferable mode of the two. He should therefore vote for the noble Viscount's motion, but he begged to be understood, as not, by so doing, signifying any intention what-

soever to be bound or restrained in the future progress of the discussion, from giving the most decided support to the question for the abolition of the slave trade.

Lord GRENVILLE rose to clear himself from the imputation of impropriety, in having declared that he had made up his mind upon the subject, and should vote for the abolition. He said, that his inclination went to an immediate abolition, because he was convinced that so scandalous a traffic ought not to exist an hour longer, and he had not rashly formed this opinion, nor taken it up on light grounds. As a Member of the Privy Council he had heard all the evidence adduced before them, which alone would have been sufficient to have convinced him, but exclusive of that, he had, as a Member of the House of Commons, read the evidence given before their Committee, and he had two or three times sanctioned his opinion by his vote, he thought it therefore manly to avow his opinion at once.

The House divided.

Ayes (for the amendment) 36

Noes - - - 63

The original question was therefore carried.

The House adjourned.

Wednesday, 9th May.

In a Committee upon the Scottish Episcopalians bill, Lord Cathcart in the chair,

The Earl of ABINGDON said, he rose merely to say that he had no objection to the bill, provided it was not amended, as the jockies say at Newmarket "as a take-in," or in the more intelligible Scotch phrase, "scratch me and I'll scratch you," which in plain English is this: This bill, said he, was for the purpose of removing certain disabilities, under which the Dissenters in Scotland, namely the Episcopalians, labour at present, which may be very fit and right to do; but if the doing of this was meant to be made use of as an argument why the Dissenters in England, who are in part the Presbyterians here, should be entitled to similar relief, he for one did not give his vote for this bill upon any such ground, nor would he admit of any such compromise.

The right reverend Prelate who spoke in support of the bill, being perhaps what his brother of Landaff is, a dissenting Bishop, might have this in view, but he who was an Episcopalian, and no Presbyterian, and having not yet found out the way of being both, must content himself with knowing that one cannot serve two masters, and upon this scriptural doctrine he would rest his conduct.

The LORD CHANCELLOR insisted, that the principle of toleration should never be carried so far, as in the least to trench upon the established religion. Every thing short of that, which could raise the credit, character, and fortunes of Dissenters, ought to be conceded. His Lordship wished to propose amendments to several of the clauses, but not being prepared to state them accurately, moved, that the Committee should report progress, and ask leave to sit again on Tuesday next, which, after some conversation, was agreed to.

The House adjourned.

Thursday, 10th May.

Several private bills were read and gone through without any debate.

The House adjourned.

Friday, 11th May.

Lord STORMONT had a motion to propose respecting the petitions of the West-India planters; which, however, he should not press at present, if the smallest objection were made to it, lest it might occupy too much of their Lordships' time, on a day when such very important business was before them. As the House had determined to hear the petitioners by themselves, or their counsel, it was proper to give them notice of the same, and to settle the order in which they should be heard. He meant to propose, that such of the petitions as went to the situation of the negroes in the West-Indies should be first considered, as he understood the petitioners were desirous to have the benefit of Lord Macartney's evidence on that head.

Lord GRENVILLE had no objection whatever, and would go farther, by moving, that some one of the petitions should be

specified for consideration on Monday next. He disapproved of all delay in the business; and had he known, on the last night in which the subject was debated, that it was proposed to defer the farther proceedings for so long a term as six days, late as was the hour, he should have opposed the proposition, and divided the House upon it.

A petition was then appointed for Monday, and notice thereof ordered to be given to the agents.

Lord RAWDON rose to give notice of his intentions on a point, in which he should not have interfered, as it was already in the hands of a gentleman of the most respectable talents (Mr. Grey), but that he understood that gentleman did not mean to do any thing in it till next session, not having yet obtained all the information he wished for. This delay might be very necessary for perfecting the enlarged design in the contemplation of the honourable gentleman; but it was lamentable to reflect, that in the mean time a number of deserving objects were languishing in the horrors of a prison, from whom all hopes of relief were thus cut off for a long year. He should, therefore, on an early day in next week, bring forward a proposition, not for inquiring, but for empowering the Judges of assize, &c. to grant suitable relief in cases which required it, between debtor and creditor.

The order of the day being read for receiving the answers of the Judges to the questions referred to them on the subject of Mr. Fox's libel bill,

The Lord Chief Baron read the same at the table:

“ Unanimous Opinion of the Judges upon the several Questions put to them on the 27th of April, 1792.

“ My Lords,

“ The Judges have taken the questions, seven in number, which your Lordships have been pleased to propose to them, into their consideration; they have conferred together, and have agreed upon answers, which I am now to submit to your Lordships.

“ Your Lordships' first question is: “ On the trial of an
 “ information or indictment for a libel, is the criminality or
 “ innocence of the paper set forth in such information or in-

“ indictment as the libel, matter of fact, or matter of law, where
 “ no evidence is given for the defendant?”

“ Preliminary to all which we have to offer to your Lordships, we state, as a fundamental principle, that the general criminal law of England is the law of libel; and that the very few particularities which occur in legal proceedings upon libel, are peculiar to the proceedings upon libel, but do or may occur in all cases, where the *Corpus delicti* is specially stated upon the record; the case of an indictment for publishing a forged promissory note may be put as a pregnant instance.

“ The matter of your Lordships’ first question has no particular application to libel.

“ We answer, That the criminality or innocence of *any act done* (which includes any paper written) is the result of the judgement which the law pronounces upon that act, and must therefore be in all cases, and under all circumstances, matter of law, and not matter of fact; and this, as well where evidence is given, as where it is not given, for the defendant; the effect of evidence given for the defendant, as to this question, being nothing more than to introduce facts or circumstances into the case, which the prosecutor had left out of it, upon which it will still be for the law to pronounce whether the act done be criminal or innocent.

“ Your Lordships’ second question is: “ Is the truth or
 “ falsehood of the written or printed paper material, or to be
 “ left to the jury, on the trial of an indictment or information
 “ for a libel; and does it make any difference in this respect,
 “ whether the epithet “ false” be or be not used in the indictment or information?”

“ This question consists of two branches.

“ Our answer to the first branch of this question is, That the truth or falsehood of a written or printed paper is not material, or to be left to a jury upon the trial of an indictment or information for a libel.

“ We consider this doctrine as so firmly settled, and so essentially necessary to the maintenance of the King’s peace, and the good order of society, that it cannot now be drawn into debate.

“ If it be asked, why the word “ false” is to be found in indictments or informations for libel? we answer, that we

find it in the ancient forms of our legal proceedings, and the before that it is retained; but that it hath in all times been the duty of Judges, when they come to the proof, to separate the substance of the crime from the formality with which it is attended, and too frequently loaded, and to confine the proof to the substance.

“ The epithet “ false ” is not applied to the propositions contained in the paper, but to the aggregate criminal result—libel. We say, *falsus libellus*, as we say *falsus proditur* in high treason.

“ In point of substance, the alteration in the description of the offence would hardly be felt, if the epithet were *verus* instead of *falsus*.

“ In the action for libel, the plaintiff is not put to prove the matter of the libel to be false, which is decisive to shew that the falsehood is not part of the substance of the complaint; and though the defendant may insist in his defence, and may prove that the matter of the libel is true; it is not done in the way of contradicting what is asserted by the plaintiff, for then it might be done under the general issue: whereas, if the defendant means to insist that the matter of the libel is true, he must plead it by way of justification. As between him and the plaintiff, seeking to recover damages for the private injury, the truth of the matter of the libel is a bar to the action for damages; the crime, and consequently the *falsus libellus*, remaining still in full force against him.

“ The second branch of the question is: “ Does it make any difference in this respect, i. e. in respect of the materiality of the truth or falsehood, or its being to be left to the jury, whether the epithet “ false,” be or be not used in the indictment of information?”

“ Our answer will be very short. It can make no difference in this respect. We are not called upon to give any opinion, and we desire to be understood not to give any opinion as to the difference in any other respect which the omission of a formal epithet, in an indictment or information, may make.

“ Your Lordships’ third question is: “ Upon the trial of an indictment for a libel, the publication being clearly proved, and the innocence of the paper being as clearly manifest, is

“ it competent and legal for the Judge to direct or recommend to the jury to give a verdict for the defendant ? ”

“ We answer, that upon the trial of an indictment for a libel, the publication being clearly proved, and the innocence of the paper being as clearly manifest, it is competent and legal for the Judge to direct or recommend to the jury to give a verdict for the defendant.

“ But we add, that no case has occurred, in which it would have been, in sound discretion, fit for a Judge, sitting at *Nisi Prius*, to have given such a direction or recommendation to the jury.

“ It is a term in the question, that the innocence shall be clearly manifest. This must be in the opinion of the Judge: But the ablest Judges have been sometimes decidedly of an opinion which has, upon farther investigation, been discovered to be erroneous ; and it is to be considered, that the effect of such a direction or recommendation would be, *unnecessarily* to exclude all farther discussion of the matter of law, in the Court from which the record of *Nisi Prius* was sent, in Courts of error, and before your Lordships in the *dernier* resort.

“ Very clear indeed, therefore, ought to be the case in which such a direction or recommendation shall be given. In a criminal case which is in any degree doubtful, it must be a very great relief to a Judge and jury, and a great ease to them in the Administration of criminal justice, to have the means of obtaining a better and fuller investigation of the doubt, upon the solution of which, a right verdict or a right judgement, is to depend.

“ A special verdict would in many cases be the only means, where the offence is described by some one or two technical terms comprehending the whole offence, the law and the fact combined : such as the words, “ feloniously did steal.” The combination must be decomposed by a special verdict, separating the facts from the legal qualities ascribed to them, and presenting them in detail to the eye of the Judge, to enable him to declare, whether the legal quality ascribed to them, be well ascribed to them or not.

“ There may be a special verdict in all cases where doubts arise on the matter of law, but it is not *necessary* in all cases. In some criminal proceedings (the proceedings in libel, and

the publication of forged papers, for instance) some of the facts are detailed in the indictment, and if the doubt in law should happen to arise out of the fact so detailed, we say it is upon the record. The question might have been discussed upon Demurrer without going to a jury at all; and after verdict it may be discussed on a motion in arrest of judgement. In such cases a special verdict is not necessary: The verdict "Guilty," will have the effect of a special verdict without the expence and delay of it, establishing all the facts, and leaving the question of law open to discussion.

"There are three situations in which a defendant, charged with a libel, may stand before a Judge and jury in a Court of *Nisi Prius*. First, the matter of law may be doubtful; in that case there ought to be a special verdict, or a verdict which shall operate as a special verdict. Secondly, The case may, in the opinion of the Judge, be clear against the defendant. If the verdict is special in form or in effect, he has no reason to complain: his case comes before the Court from which the record is sent, without the prejudice of an authority against him.— The third situation is, That the opinion of the Judge may be clear in favour of the defendant. In that case, whenever it shall happen, we have offered it as our opinion, that it will be competent and legal for the Judge to direct an acquittal.

"Your Lordships' fourth question is: "Is a witness, produced before a jury in a trial as above by the plaintiff for the purpose of proving the criminal intentions of the writer; or by the defendant, to rebut the imputation, admissible to be heard as a competent witness in such trial before the jury?"

"This question is put so generally that we find it impossible to give a direct answer to it.

"The criminal intention charged upon the defendant in legal proceedings on libel is generally matter of form, requiring no proof on the part of the prosecutor, and admitting of no proof on the part of the defendant to rebut it.

"The crime consists in publishing a libel; a criminal intention in the writer is no part of the definition of the crime of libel at the common law. "He who scattereth firebrands, arrows, and death," (which if not an accurate definition, is a very intelligible description of a libel,) is *ex ratione* criminal.

minal ; it is not incumbent on the prosecutor to prove his intent and on his part he shall not be heard to say “ *Am I not in sport ?*” But in as much as a criminal intention *may* conduce to the proof of the publication of all libels ; and in as much as the criminal intention is of the substance of the crime of libel in some cases by statute ; cases may be put where a witness is competent and admissible to prove the criminal intention on the part of the prosecutor ; and it may be stated as a general rule, that in all cases where a witness is competent and admissible to prove the criminal intention, a witness will also be competent and admissible to rebut the imputation.

“ Your Lordships’ fifth question is : “ Whether upon the trial of an indictment for sending a threatening letter, the meaning of the letter set forth in the indictment be matter of law or of fact ?”

“ We find ourselves embarrassed by the terms in which this question is proposed to us.

“ We find no difficulty in answering, that the exposition of the words of the letter, set forth in an indictment for sending a threatening letter, would belong to the Court, either on a demurrer, or in an arrest of judgement ; and we have no Difficulty in going a step farther, and saying, that if a jury upon the trial of such an indictment were to find the letter according to its tenor, it would be for the Court to expound the letter.

“ And whether the letter (the sense of it being thus ascertained) be a threatening letter within the meaning of the law, is answered by our answer to the first question. This we state distinctly to be matter of law, it is the judgement of the law pronouncing whether the paper be criminal or innocent.

“ But your Lordships ask us, “ Whether the sense of the letter be matter of law or of fact ?”

“ We find a difficulty in separating the sense of the letter from the letter ; the paper without the sense is not a letter.

“ Whether there exists such a letter is, doubtless, matter of fact ; as much as, whether it was sent to the prosecutor of the indictment.

“ It is also matter of fact whether an act of Parliament, public or private, exists. And the same may be said of every other writing, from records of the highest nature down to any

serap of paper, wherein words are written which can be qualified with crime or civil obligation.

“ This goes no way towards ascertaining what belongs to a jury in an indictment for sending a threatening letter, to which we apprehend your Lordships’ question was intended to point.

“ The existence of a public act of Parliament, your Lordships know, is not submitted to a jury at all ; private acts and records may be *sub modo* ; other instruments and papers are ; but all, without exception, are expounded by the Judges, and the legal effect of them declared by the Judges.

“ This does not rest merely on the authority of Lawyers ; in the nature of things it must be that the Judges must expound or collect the sense of the paper, in order to their declaring the operation of it in law.

“ The sense of a threatening letter, or of any other words reduced into writing, is nothing more than the meaning which the words do, according to the common acceptation of words, import, and which every reader will put upon them. Judges are in this respect but readers. They must read and understand, before they can pronounce upon criminality or innocence, which it belongs to them to do. It is a necessary and inseparable incident to their jurisdiction. If they could resort to a jury to interpret for them in the first instance, who shall interpret the interpretation, which, like the threatening letter, will be but words upon a paper ?

“ We shall not be understood to be speaking of that sense of a paper which is to be collected from matter *dehors*, the paper, which, in legal proceedings, must be stated by way of averment ; which averment would be to be established in point of fact, before the Judges could proceed to construe a paper. On a demurrer, or on motion in arrest of judgement, these averments would stand confessed upon the record. If the general issue is pleaded, they are to be found by the jury. Judges have no means of knowing matters of fact *dehors* the paper, but by the confession of the party, or the finding of the jury : But they can collect the intrinsic sense and meaning of a paper, in the same manner as other readers do ; and they can resort to grammars and glossaries, if they want such assistance.

“ These principles lead to the same conclusion for juries as for Judges, in all points belonging to threatening letters, or to any other series of words reduced into writing which fall within the province of juries. For instance : Upon a general issue on an indictment for sending a threatening letter, a jury is to inquire whether such a paper as the paper charged in the indictment exists. They must read, or hear read, and understand the paper charged and the paper produced to them in evidence, in order to their finding that the paper charged does exist. The jury cannot know that they are the same papers without comparing both the words and the sense : But, when the jury have read, and sufficiently understood the paper charged, and the paper produced, so as to be enabled to pronounce that they are the same papers ; when the averments have been examined and found to be true ; when the context (if there be a context not set forth) has been seen and understood, and found not to alter the sense of the paper produced, and to put a different sense upon it than that which the paper charged imports ; and when the sending of the supposed threatening letter is found as charged, then all inquiry before the jury ends ; the rest is matter of legal conclusion.

“ Your Lordships’ sixth question is : “ Whether, on the trial of an indictment for high treason, the criminality or innocence of letters or papers set forth as overt acts of treason, or produced as evidence of an overt act of treason, be matter of law, or of fact ? ”

“ We have said in our answer to the first question, that in all cases, and under all circumstances, the criminality or innocence of an act done is matter of law, and not of fact.

“ We find nothing in the two cases now put, which should lead us to narrow the generality of that proposition, or to except either of those cases out of it.

“ But that we may not be misunderstood, we add, that this opinion does not go to the length of taking from the jury the application of the evidence to the overt act of which it is evidence. It only tends to fix the legal character of it in the only way in which it can be fixed. And we take this occasion also to observe, that we have offered no opinion to your Lordships which will have the effect of taking matter of law out of a general issue, or out of a general verdict.

“ We know that it is often so combined with both, as to be inseparable from them ; and we disclaim the folly of endeavouring to prove, that a jury, who can find a general verdict, cannot take upon themselves to deal with matter of law arising in a general issue, and to hazard a verdict made up of the fact, and of the matter of law, according to their conception of the law, against all direction by the Judge.

“ Our aim has been to trace the boundary line between matter of law and fact, as distinctly as we could. We believe that this is all that is necessary to be known. We have found jurors in general desirous of keeping within their province, which is to examine into matter of fact, and cordially disposed to take their directions in matter of law, from those whose education and habits enable them to declare the law, and to whom the law and constitution of the country have committed that important trust.

“ Your Lordships’ last question is : “ Whether, if a Judge, “ on a trial on an indictment or information for a libel, shall “ give his opinion on the law to the jury, and leave that opinion, “ together with the evidence of the publication, and the “ application of the innuendoes to persons and things, to the “ jury, such direction would be according to law ? ”

“ If we do not misunderstand this question, it is substantially answered in our answer to the third question.

“ We mean to answer this question in the affirmative ; but, that we may be clearly understood, we desire to be permitted in our answer to substitute the words “ declare the law,” instead of “ give his opinion of the law ; ” and the word “ declaration ” instead of “ Opinion,” where the word “ Opinion ” occurs again in the question : Our answer will then stand thus :

“ If a Judge on a trial on an indictment or information for a libel shall declare the law to the jury, and leave that declaration, together with the evidence of the publication, and the application of innuendoes to persons and things, to the jury, such direction would be according to law.”

“ If by the words, “ leave that opinion to the jury,” is meant in any manner to refer to the jury the consideration of what the law is, in any view of the particular case in evidence, we are of opinion, that such a direction would not be accord-

ing to law; conceiving the law to be, that the Judge is to declare to the Jury what the law is; and conceiving that it is the duty of the jury, if they will find a general verdict upon the whole matter in issue, *to compound that verdict of the fact as it appears in evidence before them, and of the law as it is declared to them by the Judge.*

“ We prefaced our answers with stating, that the general criminal law of *England* was the law of libel. We conclude what we have to offer to your Lordships with stating, that the line marked out by the law for the conduct of a jury giving a general verdict, has an universal application to general verdicts on general issues, in all cases civil and criminal; for we cannot distinguish between the office and authority of a jury in civil and in criminal cases, whatever difference there may be as to their responsibility. We desire to put your Lordships in mind, that it hath been the modern policy to bring almost all questions upon men's dearest and most valuable rights, to be decided on a general issue; and it will be for your Lordships' consideration, whether the line we have pointed out, which we take to be established in law and in reason, is not a great and essential security to the life, liberty, and property of all the King's subjects, from the highest to the lowest.”

Lord CAMDEN rose, and observed that, in his opinion, the answer of the Judges left the main question untouched, which had occasioned, within his experience, many altercations, not only between Judges and juries, but also between the Bar and the Bench. However, as their answer was very abstruse, and contained a great extent of law argument, he thought the House could not possibly proceed to the consideration of it merely upon hearing it read. The learned Judges had taken fourteen days to frame it, and it would be decent for the House to pause a while and reflect before they passed an opinion upon it. He should, therefore, move, that the consideration of it be deferred to Wednesday next.

The Earl of ABINGDON said, that not being in the House, on the day when the queries on the Libel bill were proposed and submitted to the Judges, he was prevented from taking that part on the question, which, if present, he certainly should have done; a part which, although it might not have been adopted by the House, he hoped and trusted, for the reasons he

should give, would not have been undeserving of their Lordships' most serious consideration and attention.

He should, he said, strenuously have objected to any reference being made to the Judges upon the bill, and he would tell their Lordships why: not because, being competent to legislate for themselves, they did not want the aid and assistance of the Judges for their information; for if ever there was a bill that called for and demanded the advice and opinion of the Judges upon the subject matter of it, it was this: but his objection would have been grounded upon this reason, that although the advice and opinion of the Judges were indispensably necessary for the passing such a bill into a law, the House was so far competent to legislate for itself, as not to suffer such a bill as this, *at such a time as this*, to be entertained by their Lordships for a single moment.

This, he said, would have been his opinion; an opinion which might rouse the imputation against him, that he was no friend to that great bulwark of the constitution, *the trial by jury*, and that he was an enemy to liberty; but to this charge he would let the whole history of his political life be at once the answer. No; it was because he would save that great bulwark of liberty, the trial by jury, from the ruffian hand of licentious innovation, and not suffer it to be perverted from its right use, to its worst and meanest abuse; for who is it that reads the bill, that does not see its plain and obvious tendency and effect? Who is it that attends to it, that does not perceive it to be a part, and a very material part too, of that *new system*, as it is called, of that innovating spirit that is gone abroad, subversive of all order, and blind to the wisdom of experience?—Who does not see it as one of the lights of this enlightened age, as one of the torches of our modern philanthropists, of our *philosophes sans savoir* philosophers without wisdom, which is meant only to dazzle the eyes, whilst the link-boys are picking our pockets? For what was the bill? It was to say to the sages of the law, Your knowledge of the law is antiquated and out of date; it is the effect of experience, drawn from times that are past; it is the knowledge of our fore-fathers, who were all fools and idiots, nay more, who were all murderers too of the human race, as we are now piously told: but you, gentlemen of the jury, your knowledge is not of that worn-out kind,

it is of modern date, it is spick and span new ; it is not the effect of study, of observation, of reasoning, of argument, and of reading ; no, it despises all that circuitry of information to arrive at its end ; it is a pretty little compact science of itself, arising out of the rights of man, and comprised in three little words only, *Guilty*, or *Not Guilty* ; and this is all the knowledge you want, a knowledge which, in *one* word, *Guilty*, will hang all your enemies ; and in *two* words, *Not Guilty*, will acquit all your friends ; and who shall say, Nay ? For are you not the judges both of the law and the fact, and who shall control your judgement, or dispute your right ?

Placed then in such hands, what a weapon, said his Lordship, is this ? A weapon by far more dangerous, inasmuch as it has the sanction of the law for its use, than all the fire-arms that all the Birmingham founderies or founders can forge or furnish to their Manchester neighbours, for the patriotic purposes of their Jacobine associations. That these were his ideas upon the subject matter of the bill, and would have been his reasons for giving *in limine* his determined opposition to it.

But speaking upon the subject of libels, his Lordship said, was this a time to loosen the legal ties and restraints, with which, by the wisdom of the law, these crimes and misdemeanors were enchained, and to give greater facility to their use and exercise, if greater facility could indeed be given, than is already suffered to be practised ? For, not to mention the libellous pamphlets that have of late been published, who is it that can see the libellous prints that are daily exhibited in every print-shop of this city, and not shudder at the atrocity of their authors ? Prints made to degrade every thing to which degree belongs, to draw down contempt where reverence and respect are deservedly due, to put decency out of countenance, and to level all things with that dust and dirt, out of which these monstrous designs were formed. This might be called liberty, he said, but it was that liberty which ought not to exist in any civilized state. Instead, therefore, of giving a check to the law concerning libels, as it now stood, its observance should be more rigidly enforced ; and in doing this, he had no fears or apprehensions for the loss of English liberty ; for his maxim was, that in the English constitution, constituted as it was, there was liberty enough ; and that, Cromwell like, he that

seeks for *more*, means to have *less*. Let him, therefore, in the fashionable cant of the times, leave with the right reverend bench of Bishops, that little canticle of the once-thought wise man Solomon, who said, "Remove not the ancient land-marks which thy fathers have set," and with the rest of your Lordships, as the bar to this madness of innovation that is now let loose upon us, that noble and virtuous, but now more than ever necessary exclamation, of our ancestors, *Nolumus leges Angliæ mutari!*

Lord LAUDERDALE entirely agreed with the noble Lord high in His Majesty's Councils, as to the propriety of postponing the consideration for some days. The answer of the Judges launched very much into long and detailed reasonings; he could have wished rather for a plain direct affirmative or negative, than to have heard cases supposed, and questions divided, which seemed to lead to no conclusion. The day proposed by the noble Lord he thought too early, and could wish to have it fixed for Friday, since he understood the answer could not be printed and delivered to their Lordships before Monday.

After some conversation between Lord Camden, the Lord Chancellor, and Lord Lauderdale, it was agreed to appoint Wednesday, and if any noble Lord then wished it, to defer the business to Friday.

The House adjourned.

Monday, 14th May.

Lord GRENVILLE moved the order of the day for the House to go into a Committee, upon the bill for appropriating a certain sum annually for paying off the national debt.

The Earl of LAUDERDALE opposed the bill, on account of certain clauses in it. He approved of the object, but disliked the principle and wording of it.

Lord GRENVILLE replied; after which the House went into a Committee, Lord Cathcart in the chair, when the bill was read clause by clause. The clause enacting, that no future loan shall be made without being provided for at the time, being read, a conversation ensued between the Lord Chancellor, Lords Rawdon, Stormont and Lauderdale on one side, and Lord Grenville on the other.

The LORD CHANCELLOR approved of the object of the bill, as well as the system of paying off the national debt, with which it was connected, but he had strong objections to that clause; it could tend to no one definite, or good purpose, and at the same time exhibited a degree of presumption and arrogance, in dictating to future Parliaments, which, he trusted, their Lordships never would countenance. He ridiculed the idea of legislating to Parliaments, or dictating to Ministers twenty or thirty years hence, who certainly might be as wise, and as able to act, as circumstances required, as they were.— In short, the scheme proposed by that clause was nugatory and impracticable—the inaptness of the project was equal to the vanity of the attempt. The act, if passed in its present form, would only hand down to posterity aphorisms, that however proper now, would, in times of urgency, be completely inapplicable. He said it was impossible to bind down future Parliaments, and it was idle to suppose that future Ministers would take directions from this act, how they were to make a loan. At present the country was in a state of prosperity and tranquillity, but it might happen to be otherwise, and he should consider any Minister, who could not judge at the time when a loan was necessary, what was the proper mode of doing it, as unfit for his situation; and none but a novice, a sycophant, a mere reptile, as a Minister, would allow this act to prevent him from doing what the exigency of circumstances might require at the time, according to his own judgement. He argued, that it was impossible in a loan bill, to make a provision for the payment of it at any given time; because it was impossible to say, that the same circumstance that made it necessary to obtain a loan, might not exist at the time specified for paying it. The Lord Chancellor treated this clause with great severity and force of argument, and was followed by Lords Rawdon and Stormont on the same side; Lord Grenville made a short reply, and the Committee divided.

For the Clause	—	28
Against it	—	22
"	—	—
Majority		6

The other clauses were then gone through, and the bill ordered to be reported to-morrow.

Counsel for the petitioners against the abolition were then called in, and Mr. Law spoke at considerable length. The substance of his argument was, that the West India islands could not be cultivated without the labour of negroes from Africa; and that there was nothing in the slave trade so contrary to humanity, as to induce their Lordships to hazard the consequences which must necessarily result from the abolition.

Lord Macartney was called as the first witness, and being sworn at the bar, said, that as he had the honour to be a Peer of Ireland, he wished to know whether or not there was any distinction between the mode of receiving the evidence of a person so situated, and of examining an ordinary witness.

The LORD CHANCELOR said he did not recollect any.

Lord MACARTNEY said, he was informed that Lord Tyronne, in the reign of James II. had delivered his evidence at their Lordship's table, instead of the bar.

This being a point on which it was necessary to consult precedents, it was proposed by Lord Grenville to call another witness; by other noble Lords, on account of the lateness of the hour, to adjourn.

A conversation ensued, in which Lord Grenville, the Duke of Montrose, and Earl Fitzwilliam pressed the necessity of proceeding on the subject from day to day with all possible dispatch; and Lords Stormont, Hawke, and Abingdon, contended that their Lordships could not support the fatigue of attending to business of such importance on the days of Mr. Hastings's trial, or other matters that took up much time.

It was at length agreed to proceed with evidence on Monday next, at twelve o'clock precisely, on Thursday and Friday at the same hour, and on the same days in every week till finished.

The House adjourned.

Tuesday, 15th May.

Yesterday the amendments made to the national debt bill were read, reported, and agreed to.

The House adjourned.

Wednesday, 16th May.

After returning from the trial the Lords proceeded on the private bills before them, and adjourned without any debate.

Friday, 18th May.

On reading of the order of the day on the libel bill,

Lord CAMDEN rose to support an opinion which he was known to possess, and which he never, since he had formed it, had occasion to alter. Questions, he said, had been put to the Judges; but they had contented themselves with answering them dryly, and avoiding the grand question, "Who should try a libel." On this point he was as firmly convinced as he ever was of any thing. It was to the jury, and to the jury only, that a question of libel should be submitted; and as this had been doubted, it was proper the point should be set at rest. He wished the House to reflect on the consequence of leaving it a point unsettled. Hereafter, in cases of libel, the counsel for the defendant would urge to juries, that this bill was the general sense of the people of England, expressed in the House of Commons, almost *nemine contradicente*—and who was the Judge who would dare to stop a barrister making such an observation? On the other hand, the counsel for the prosecution might insist on the opinion of the House of Peers against the principle of the bill. This would introduce endless altercations between the jury and the bench, and would be a great impediment to the distribution of public justice, and might affect the tranquillity of the people.

He exposed the fallacy of the pretended distinction between law and fact, in the question of guilty, or not guilty, of printing or publishing a libel: they were united as much as intent and action, in the consideration of all other criminal proceedings. Without an implied malice, a man could not be found guilty even of murder. The simply killing of a man was nothing, until it was proved that the act arose from malice. A man might kill another in his own defence, or, under various circumstances, which rendered the killing no murder. How were these things to be explained? By the circumstances of

the case. What was the ruling principle? The intention of the party. Who were Judges of the intention of the party? the Judge? No; the Jury. So that the jury were allowed to judge of intention upon an indictment for murder, and not to judge of the intention of the party upon libel. This was so much out of all principle of justice and common sense, that it could not be supported for a moment. Our ancestors, indeed, had remained silent upon the point, whether the intent of the party, and tendency of a publication alledged to be a libel, was matter of law, or matter of fact. The reason was obvious; it was neither the one nor the other simply, but a compound of both, and which in their very nature could only be decided by a jury.

There could be no libel without a mischievous intention and tendency; the jury, if deprived of judging of that intention and tendency, might as well be deprived of the power of judging of the fact of the publication; for the intention and tendency made part of the subject in contest between the parties. On the part of the prosecution it was alledged, that the defendant did wilfully, maliciously publish, &c. The defendant denied this charge by his plea, "I am not guilty of the offence laid to my charge." What were the jury sworn to do? "Well and truly to try the issue joined." The question was, who should have the power of saying guilty or not guilty, on a libel? The jury, beyond all dispute. There could not be two opinions upon it stated in this view.

But a distinction had been taken, and it was said, *Ad questionem legis non respondent juratores, et ad questionem facti non respondent judices*. This maxim was a very true, as well as a very plain one. But it was misapplied. It was not applicable at all to the case of a libel. It referred solely to the case where the law and the fact might be separated, and had no natural connection whatever. It applied to cases where the fact was admitted by the defendant as stated by the plaintiff, but not where the defendant denied the point of law rising out of that fact as stated by the plaintiff. And this was argued by way of demurrer. But this was a case where there was no law separate from the fact—or rather, there was no law at all. The publication was a fact—the intention was so connected with fact, that it could only be proved by fact. The tendency was so con-

ected with fact, that inference could be drawn only from circumstances arising out of fact.

There was not, nor could there be, any thing in the nature of a libel, that the most ignorant man in England, not being an idiot, could not judge of, as well as the most profound Lawyer. A German, or any other foreigner, who knew nothing of our constitution, might judge of it. There never was, nor could there be, a difficulty in it. Nothing more was to be judged of, than appeared on the face of it; the natural tendency of the thing. Why should a man be a Lawyer, in order to understand English? The truth, indeed, was, that by these distinctions, or affected distinctions, between law and fact, where there was no law, and the whole was fact, had frequently been the cause of juries of a pliant disposition to trifle with the oath they took. They had said, guilty of printing and publishing only. Could any man, in his senses, say that such a jury meant, by such a verdict, that the defendant was criminal, and that he therefore ought to be punished? and yet, had it not afterwards been ordered by the court, that the verdict should be altered, and that the defendant should be deemed guilty? This pretence for a distinction was not known to the ancient law of England; it was of modern date, he believed not above thirty years standing.

He wished to know, what would have been the case, if the doctrine, that intention and tendency of a libel were matter of law for the consideration of judges, and not for juries, had been established in the time of James the Second?

Here his Lordship entered into a very able, very clear, forcible, and accurate historical detail of cases, determined both in good and bad times, from the time of Bracton, five hundred years ago, down to the time when he himself was at the bar, and proved, that the general bent of all the charges which had been given to the jury was, that they were to judge of the intention and tendency of the alledged libel; that they were solely to determine the whole case. Even Judge Jeffries himself had done so, and he could not be said to entertain any sentiments against the power of the crown contrary to law. So clear was the point in his mind, that the juries were the whole and sole controulers of all the case of libel—that if all the bench of the courts of law—all the bar, and the unanimous voice of Parlia-

ment, should declare it to be otherwise, he should not change his opinion. He wished the House to say, with whom should judgement on the effect of libel rest? Or rather, who should have the care of the liberty of the press—the Judges, or the people of England? The jury were the people of England.—The Judges were independent men—Be it so. But were they totally beyond the possibility of corruption from the Crown? Was it impossible to shew them favour in any way whatever? The truth was, they possibly might be corrupted—juries *never* could. What would be the effect of giving Judges the whole control of the press? It would soon be shut up. When *so* shackled, nothing would appear that was disagreeable to Government.

As well might an act of Parliament be passed that nothing should be printed or published but panegyrics on Ministers and Government; with such principles we should soon lose all thoughts of freedom. So clear was he, that even if it were not law, it should be made law, that the juries should judge of the whole case of a libel; that he protested he thought that in all the catalogue of crimes, there was not one that was so fit to be determined by a jury, and not by a Judge, as a libel. He added many other excellent, constitutional, and wise observations on this subject, and in favour of the bill now before their Lordships.

Earl STANHOPE said, that having, on a former day, pledged himself to answer the learned Lord on the woolpack, and the Chief Justice of the King's Bench, their Lordships might naturally expect that he would keep his word; he rose, therefore, to redeem that pledge, and to fulfil his promise, and he would meet the noble and learned Lords on the ground of law, as well as on that of reason, common sense, and the constitution. From the able and sound arguments, stated in the speech of the noble and learned Earl who had just sat down, his Lordship said, he need not go into the length he otherwise was prepared to do. Considering the present as an adjourned debate, he should answer the arguments of the noble and learned Lords, stated in the last discussion of the subject. The noble and learned Lord who presided over the Court of King's Bench had said, among other very extraordinary expressions, that "he found, from the bill, that libellers had their friends."—

[Lord Kenyon rose, and denied that he had said any thing like it.]—That noble and learned Lord, Earl Stanhope said, had been the Judge in the case of Stockdale, and it was the illegal direction to the jury given by the Judge, that had been the occasion of the present bill. He commented on that direction, and said, in any case, whether of murder, burglary, libel, or any thing else, the jury were to find not only the crime of murder, but whether the prisoner had been guilty of manslaughter, or, in fact, whether he was guilty at all. If the prisoner, when he was arraigned, pleaded Not Guilty, he was then asked, “How will you be tried?” which was in former times a very significant question, because there were then two modes of trial, trial by battle, and trial by law. The trial by battle had been long since abolished, and a prisoner now generally answered, “By God, and his country.” He then had a right to challenge the jury, who are told by the Court, that they are the country. He went through all the forms of a trial by indictment for treason or for libel, and pointed out the rights and privileges which the humane spirit of the law of England gives a prisoner of rejecting any juryman whose countenance displeased him, even if he had no stronger reason. In support of these facts, his Lordship quoted Blackstone, and other authorities. Formerly, he said, Judges could be challenged, but now they could not, which was, in his opinion, to be lamented. In elucidation of his argument, he put an hypothetical case, by supposing that Sir Elijah Impey, who had been a Judge in India, were made a Judge in England, would it, he asked, be contended, that after having had a motion made against him in the House of Commons for an impeachment for murder, Sir Elijah Impey would be a fit Judge to try the gentlemen who had brought forward that motion? Or would it be said, that if the four Judges of the King’s Bench were to be impeached for high crimes and misdemeanors, and were to be acquitted, that they would be fit Judges to try the persons who so impeached them, if they were to happen to be put in a state of trial for any criminal offence? His Lordship having put the case strongly, said, he would state to the House an authority, which the noble Lord upon the woolsack could not controvert, viz. the authority of himself, and sure he was, it was an authority that he could not controvert, because he could say to

him, " Out of thy own mouth will I condemn thee." His Lordship then read several extracts from the trial of Mr. Horne for a libel, conveyed in an advertisement circulated in the public prints, which proposed a subscription for the wives and children of our fellow-subjects, the Americans, who had been barbarously murdered by the King's troops at Lexington. His Lordship commented much at length on this trial, stated the direction of Lord Mansfield, and said, he would oppose the authority of Mr. Attorney General Thurlow against the authority of the learned Lord on the woolfack, and if the noble and learned Lord would not give him his vote, at least he hoped he would pair off with Mr. Attorney General Thurlow. He next quoted the case of libel, in which a young lady of Nottingham, who had been expelled the Society of Quakers, and who either filed an information, or brought an action for damages, against the clerk of the meeting, for stating in his entry in the Society's books, grounds for her expulsion, which were libellous. His Lordship explained what these grounds were, and after stating that one was, that the young lady did not exercise that rigour or self-denial, that she ought to have done, (which was rather a severe sarcasm on a young lady) mentioned the particulars of the trial, when the Judge (Lord Mansfield) had said, " such a question had better be tried by the Court above." He concluded this head of his speech with saying, that he hoped Lord Mansfield in his capacity of a Judge, and Lord Mansfield in his capacity of an Earl in the House of Peers, would pair off with each other, and thus he should have disposed of two noble and learned Lords. He next referred to the manner in which the Lord Chancellor had quoted Sir Matthew Hale, and charged him with having misrepresented that learned Judge, who in his first institutes of common law, page 260, speaking of the office and duty of a Judge, in regard to his direction to the jury, says, " the Judge is to assist the jury, not by points of law, but in points of law." And a still stronger passage was to be found in Blackstone, Vol. 4, p. 361. His Lordship quoted Leonard's Reports, and an infinite variety of other authorities, to prove " That juries might go according to their consciences in the law, and according to their own knowledge in the fact." He said, he would next state an authority, which was now, what the late Mr. Dunning had

been in his day, the first man in his profession, and the chief ornament of the bar. He said, he meant Mr. Bearcroft, the Chief Justice of Chester. What he alluded to was, the conduct which Mr. Bearcroft, to his immortal honour, had pursued in the case of the Dean of St. Asaph, when he had acknowledged the right of the jury, to take both the law and the fact in their own hands. On that occasion Lord Mansfield had contradicted Mr. Bearcroft, when he made the admission; and had said, "you mean the Power, not the right." Mr. Bearcroft instantly replied, "I do not mean the power, for that no man ever disputed; but I mean, the right, which the constitution gives the jury, whenever they chuse to exercise it."—Mr. Bearcroft, his Lordship said, was not only a great Lawyer, but was better, a friend to the constitution, and an honest man. His Lordship mentioned Bushell's case, and the famous case of John Lilburne, who had addressed himself to the Judges, and said, "the jury were to decide, that they were to judge of the law and the facts also, and that by law, the Judges upon the Bench, who were only Norman intruders, were merely the receivers of the decision of the jury, which they were obliged to put upon the record. The jury, as their Lordships well knew, found Lilburne not guilty. His Lordship quoted Mr. Erskine's argument on the trial of the Dean of St. Asaph, and Lord Chief Justice de Grey's conduct in the case of the King against Woodfall, declaring that they who thought as he (and other Lords) did, had every case of any sort of authority with them. He mentioned the licensing act in the reign of Charles II. by the which it was enacted, that no book on politics or history was to be printed without the authority of the Secretary of State; no treatise on the common law without the licence of the Lord Chancellor; none on heraldry without that of the Earl Marshal; nor no novels, romances, Fairy Tales, nor any work in science, philosophy, mathematics, physic, divinity, or love, without the license of the Archbishop of Canterbury, supposing him, no doubt, the most conversant in all those subjects. After remarking at length on the unconstitutional fetters which the licensing act put upon the liberty of the press, his Lordship took notice of the Lord Chancellor having in his speech on a former day mentioned, that it was necessary that the practice of the law should be uniformly the same

throughout the kingdom, in Cumberland as well as in Cornwall, and that therefore the construction of points of law ought to rest with the Judges. His Lordship said, it was not a little extraordinary, that the noble and learned Lord should have instanced two counties, which he meant himself to have referred to, as instances of his argument on the other side of the question. A stronger proof of the propriety of leaving the law as well as the fact to a jury, could not be found, than by stating, that there was a particular word, he did not precisely recollect it, in use in both the counties of Cumberland and Cornwall, which in one meant a term of the severest and most disgraceful reproach, and in the other, was received as an expression perfectly harmless and innocent. Juries of each country being aware of the local import of the term in their own district, would give it its due interpretation, and find a verdict accordingly; whereas upon the uniform practice contended for, a defendant might be convicted of a libel, for using a term locally harmless. He put the case that an action for a libel was brought for using a modern word, not to be found in any grammar or glossary, viz. for saying that a man was "a great bore;" a jury would laugh at such a ground of prosecution, but the Judges would turn to their grammars and glossaries, and not being able to meet with it, would say they could not find such a phrase as "a great bore, but they had found a wild boar, which no doubt it meant; and yet it could not be, as "a wild boar had four legs, and man was a two-legged animal; then it must mean, that the plaintiff was like a wild boar in disposition, which was a wicked libel, and therefore let the defendant be hanged!" He mentioned the dispensing Judges in James the Second's time, who had advised the King that it was legal for him to raise money from the subject without the consent of Parliament, that in time of peace he might have a standing army, and even that he should have the power to give grants of the property of private persons before they had been convicted; all which might be seen in the bill of rights. • In Mr. Erskine's report of the Dean of St. Asaph, it was said by Lord Mansfield that he ought to take another trial, but that he must stand committed till he found bail, which of course he did immediately. If it had been the case of a poor man, could he have afforded the expence? and

surely their Lordships did not mean to lay down a rule by which a rich man might be at large and a poor man confined? He had heard an opinion stated by the late Lord Ashburton, who said, that he often observed the jury were carried away by an improper impulse from something peculiar that fell from a witness, or something that dropped from the Judge, but that there were always, one or two men of sense and discernment on the jury, who made the others search the business to the bottom, and brought out a just verdict. He mentioned Blackstone's declaration, that there was no more liberty in this country, than there was formerly in France, or at present in Turkey, and the great difference between a trial by jury and a suit in Chancery. The one, his Lordship said, decided a cause in a day; the other, continued not from year to year, like Mr. Hastings's trial, but from generation to generation. In his own family in the Court of Chancery of Ireland, his Lordship said, a suit had been pending, which, considered as a suit in Chancery, was tolerably soon ended, viz. in forty-two years, and then the parties took it out of Court, and concluded it by a compromise, and that was what was emphatically termed Chancery dispatch. This, he said, reminded him of a celebrated *bon mot* of a noble ancestor of his; a person had bought a horse, which proved uncommonly restive and unruly, over-leaping every fence and mound within which he was placed.—The gentleman, who owned the animal, mentioned the circumstance to the late Earl of Chesterfield, and said, he believed he must build a wall round the horse to keep him in due bounds; when the Earl said, “put him in the Court of Chancery, and I'll warrant you he'll never get out of it.” With regard to the intention with which a criminal fact was committed it often happened that the intention was all the crime. In proof of this, he put the case of a man's getting upon a horse to try him, and riding off with him; when a messenger being dispatched after him, brought him back.—When put upon his trial for stealing the horse, the man says, “I did not run away with the horse, but he ran away with me.” The whole question in such a case would be the intention. If a man did an act where the hand was not guided by the heart, where the soul, he might say, was not accessory to the act, there was no criminality. He also put the

supposed case of a hand-bill, published in the year 1780, (when the riots had disgraced the metropolis) calling upon the enemies of popery to take up arms, if the party indicted were to plead, that the hand-bill was printed in the year 1745, and was meant to excite the public to take up arms, to repel the pretender, as the rebels had got to Derby, such a defence would convert a crime into a meritorious act? Upon the whole his Lordship maintained that the publication of a libel was not a question of mere law, but of law and fact blended together, which ought to be decided by the jury.

He gave his opinion of the nature of a demurrer, and quoted Blackstone in support of his argument. He also stated the nature of a special verdict, where the jury found the facts, and left the construction to the Court, and as an instance of the subtle distinctions, which the Judges could make in a plain case, he instanced an opinion of the Lord Chief Baron Eyre, whose microscopic eye, he said, could see what no man else could see; in a question concerning the particular place of a man's death, the Chief Baron had declared, that there was no question of that nature; that the question was not, where the man *died*, but where *he ceased to live*! He ridiculed this refinement of distinction, and said, he had now got to the pinnacle of absurdity, and having reached its climax, there he would leave it. He then went into an eulogium on the constitution, which he declared was an excellent one, inasmuch as it tended to make the people happy, and to secure their liberties; but their Lordships ought ever to remember, that the constitution might be undermined, and that the House of Commons had at one time been destroyed by corruption, and at another, the House of Lords had been voted useless. They at one time had Judges like Jeffries, that abominable monster, that bloody and brutal executioner of the west of England, that murderer of Algernon Sydney, that wretch of whose memory no man could speak without horror and detestation. They had seen the *habeas corpus* taken away by act of Parliament, and the liberty of the press destroyed by the licensing statute. They had known tyrants upon the throne, like Henry the Eighth and Richard the Third, Charles the First, Charles the Second, James the First, and that English Tarquin, James the Second! If they were the most happy and prosperous people on the face of the

globe, it was owing to that impregnable fortress, that strong hold of the constitution, trial by jury ! He concluded with returning thanks to the House for having so long heard him with patience and attention.

Lord KENYON said, after the unprovoked attack that had been made upon him by name, he must appear the meanest of all mankind in their Lordships' consideration, if he did not endeavour a little to repel the attack. Every man, his Lordship said, could not command the great abilities and the great eloquence that they had heard exhibited that day, but there was one thing in every man's power, viz. veracity. The noble Lord, instead of instructing himself upon points respecting which he had the means of information, chose rather to attack him upon false facts ; he surely therefore had some right to complain. Nor was it on his own account merely, but for those who had been attacked in their absence, and had not the power of defending themselves. It was cruel to attack persons of high and dignified character, when they were entitled to the reverence and esteem of their country. A very worthy Judge, Lord Chief Baron Eyre, had been most unjustly treated, because that learned Judge's words had been grossly misrepresented.— Their Lordships well knew, that there were two different sorts of death, natural and political death. When the Lord Chief Baron, therefore, had said, that a man was *not dead*, but that he *ceased to exist*, he alluded to his political death by attainder. With regard to Stockdale's trial, the noble Earl had mistated the whole of that matter. The jury in that case had brought in a verdict completely satisfactory to his mind, nor had he at the time expressed the smallest displeasure at it ; and so far from his direction to the jury, in that cause, having been wrong, Mr. Erskine, the Counsel for the Dean, had told him, as soon as the hearing was over, that it was precisely what he wished it to have been. His Lordship said, the noble Lord had done every thing to ridicule all that was held sacred by every thinking and temperate man. With regard to himself, it never had happened to him, when he sat as a Judge, to have a dispute with a jury on a question of libel. He mentioned a case, in which one jurymen had entertained an opinion contrary to his advice and direction, had stood out, and at length prevailed on the other eleven jurymen to come over to his opinion, contrary

to their own judgement, in consequence of which, they had not broken their oaths, but had given an imperfect verdict. A new trial, however, was granted, and the second jury gave a pretty striking proof of the opinion they entertained of the former jury and their verdict, by unanimously and almost immediately finding the defendant guilty. He took notice of Earl Stanhope's having talked of bills of Exchange, bonds, &c. and said, in respect to them the noble Lord was much mistaken; in regard to a demurrer also, the noble Lord was absolutely ignorant, and appeared to have picked up the word, without knowing what it meant. He stated the nature of a demurrer, and the advantages that might be derived from it, and complimented Lord Camden on his mode of arguing his opinion, which he said the noble Earl had done with decency, with dignity, and with eloquence. His Lordship declared no man living admired a trial by jury more than he did, and they that saw it most frequently, would always be those who admired it most. He quoted Lord Hardwicke, to prove that a Judge of such acknowledged wisdom and integrity, was of opinion, that the questions of law arising upon facts adduced in evidence, were not to be determined by a jury. He conjured their Lordships, therefore, not to remove the landmarks of the law, but to let the law remain as it had ever stood, with all its guards and fences about it. A man sitting on the bench suffered many an uneasy moment in going through the business of his situation, and was obliged to consult his conscience, to enable him to do his duty. His Lordship stated the advantages that resulted to the Public, from the law in cases of libel resting with the Judges; if a man published a paper, which was not a libel, but inculcated virtue instead of vice and sedition, and were indicted for a libel before him, he would not direct a jury to find a verdict against such a defendant; and there had occurred cases, where the jury having found the defendant guilty, the Judge had stepped in, and rescued him from the consequences. After stating various cases of this sort, his Lordship recurred to Earl Stanhope's argument, and said, if he were to quote Sir Isaac Newton's Principia, or to go into a dissertation on Euclid's Problems, he should not, perhaps, step so far out of his way, as the noble Earl had done in his quotations, many of which were inapplicable in themselves, or grossly misapplied; and, indeed,

the whole of the noble Earl's speech, instead of appearing to be proper for their Lordships' hearing, was rather calculated, not to mislead those below the bar, for they were not to be misled, but to enflame the lowest dregs of the people, and put them out of humour with the public administration of justice. His Lordship apologized for having taken up so much of the time of the House, but said, he thought it necessary to say what he had done, in order to repel the attack that had been made upon him, the absent Judges, and even the Court of Chancery in Ireland, which governed itself by those principles, which guided and governed the Court of Chancery here, and had given such satisfaction to the Public for many years together.

Lord STORMONT began his speech with declaring, that he could not but lament that on a question of so much importance, instead of treating it with temperance and sober reasoning, the noble Earl, with a degree of vehemence and warmth scarce pardonable in the utmost heat of debate, passing all bounds of order, should have attacked absent men, and arraigned those whose conduct entitled them to the respect and esteem of their country. His Lordship spoke of the administration of justice in this kingdom, in terms of warm praise and admiration; he said, he had seen what passed in this country, and had the advantage of having had better opportunities of observing what had passed abroad, in respect to the administration of the laws, than many other men, and the result was, a conviction that an Englishman had every reason to feel exultation and joy at the comparison. He quoted an extract from the code of French laws, which did that country honour, and said, how much he should applaud that code *si sic omnia*: but unfortunately that was not the case. The noble Earl, he said, had that day spoken like those orators, who to diminish the present happiness talk of the misery of former times, whereas all that misery, as their Lordships well knew, had been done away at the revolution, when the administration of justice in particular, among other benefits, was taken especial care of. The question of difference on the present occasion, he said, was, that the Judges, and those who thought as he did, contended that juries ought not to decide on what they did not understand. To decide on facts, integrity of heart, and a plain understanding, were sufficient; not so on points of law. There unlet-

tered men like himself might be bewildered, and misled. His Lordship quoted Mr. Justice Forster to prove, that he thought upon the subject as the present Judges did, and he said, he had a passage from Lord Hale that corroborated and confirmed the same opinion. His Lordship also quoted a dictum of the Scotch law of the same tendency. With regard to demurrers, from what the noble and learned Lord had said on that head, he declared he was almost afraid to speak of them, as they were a dangerous ground for an ignorant and unlettered man, as he professed himself to be, to walk upon. He believed, however, that a defendant might demur before trial to his indictment, or he might demur afterwards by moving in arrest of judgment upon special grounds. It had been said, by the noble Earl who opened the debate, how happy would it have been, if the question had been stated in the reign of Charles the First and Second, and the same doctrines had obtained. He did not believe that the conduct of the Judges of those days would have been at all more arbitrary than it had been. He denied that libellers would be more easily brought to justice if the present bill passed, than if it did not; and he mentioned the case of M. le Fordet, a well known libeller in Paris, who had been apprehended and brought before Monsieur d'Argenson, (the Minister of France at the time) who reproached him with his conduct and practices in very severe terms. Being asked what he had to say for himself? Le Fordet replied, "that he could not starve, but that he must live," (*Il faut que je vive*), to which Monsieur d'Argenson, with more than warrantable harshness, replied, "I do not know that that is necessary, Sir." His Lordship complained of the obscure wording of the bill, which he said, was a little extraordinary, considering the luminous quarter from which it was supposed to come.—He stated his objections to the preamble, and declared, that he was not able to make sense of it by any construction he could give it. After explaining himself on that head sufficiently, his Lordship said, the notice that had been taken of the paper that had been put on their table by a noble and learned relation of his, afforded a pleasing earnest of his future fame. He already enjoyed,

“ — That which should accompany old age,
 “ As honour, love, obedience, troops of friends.

His Lordship here paid his uncle, Lord Mansfield, a most elegant and merited compliment; observing at the same time, that he had always desired the Court might be moved if he had ever misdirected a jury in a libel cause; but that as the Court had never been moved on such a ground, he had a right to insist upon it, that he had not.

The Marquis of LANSDOWNE rose, and was beginning with declaring, that he should hold it to be an act of impiety, were he on that occasion to abandon those principles which he had ever been taught to hold sacred, and at the same time an act of the deepest ingratitude to those from whom he had imbibed them——

When the House was thrown into confusion by Lord Stormont falling into a fainting fit, from which his Lordship soon recovered, but the accident had so much deranged their Lordships' feelings in general, that Lord Grenville thought it prudent to move, that the debate be adjourned to Monday next.

The House adjourned.

Monday, 21st May.

The Marquis of LANSDOWNE began with some very handsome compliments to Earl Camden, who, he said, was the oldest friend he had in the House, and who, greatly to his own honour, had closed a professional life of more than thirty years continuance with an adherence to the same principles with which he originally set out. His noble friend had delivered his sentiments on the subject of the present bill, with a force of truth, a brilliancy and a clearness of eloquence rarely displayed by the most able man living, at any one period of his existence, and seemed now likely to have the good fortune of having his principles engraven on the constitution, engraven on the laws of his country. The bill, he declared, was a bill to which he could not but cordially wish the fullest success, because it proceeded on grounds that, from his earliest acquaintance with the subject, he had been in the uniform habit of regarding as

the only rational grounds that the law ought to stand upon, in respect to trial on questions arising in cases of libel.

His Lordship said, when the question had been agitated before, it had been agitated with great violence; whereas it had, on the present occasion, been discussed solemnly, and with sufficient dignity. His noble friend, as he had before stated, maintained the bill at large, and in almost every point of view, with unanswerable arguments, and had shewn that the doctrine set up in opposition to it was a modern doctrine; and the noble Viscount who opposed the bill, had managed his objections to it with fairness and moderation, and conducted what he had to say against it fairly and impartially, but after what had been already said on both sides the question, it was extremely difficult indeed for him to state any thing new upon the subject, or any thing worthy their Lordships' attention.

Where Judges had acted openly and honestly, they had found juries willing to listen to their observations in matters of fact, and cordially ready to receive their direction in matters of law. He stated the direction of the Chief Baron (Eyre) on the trial of Captain Gordon for murder in a duel; and said, the Chief Baron had there given his opinion on the law and the fact to the jury, and told them it was their duty to found a verdict on both the one and the other, as to their conscientious opinion should appear to be right. Such a direction was perfectly fair, and could afford no ground for cavil.

His Lordship observed on the sixth answer of the Judges to the questions put to them by that House, and said it was a clear reply, and a reply to which no objection could be raised; and if he were to look at the conduct of the Judges in that House only, and when called upon to assist their Lordships, he should be perfectly easy on the subject, and should think the bill wholly unnecessary; but unfortunately they were to be regarded when moving in another sphere, and it was curious to see what the language of these very Judges was when sitting in their own Courts, acting with more authority, with no eye to observe, no power to control their decisions. With their Lordships, the Judges professed all humility, fairness, and the most unqualified inclination to act for the advantage of defendants, and with the utmost latitude of condescension to juries.

He could not but remind the House, that it had that day been engaged in investigating a great, a grave, and an important subject; and he would venture to say, that there was not a Captain of a slave ship that should come to their bar, who would not willingly profess all possible moderation and meekness, and hold himself out as the most humane and compassionate creature upon earth. He trusted no one of the Judges would imagine that he meant to compare them with the Captains of the African slave ships, or put them on a par with them for a single moment. He had no such intention. He really entertained a very sincere respect for the Judges; he had always done so, and he had manifested it on every occasion that fell within his power. He meant merely to shew the difference that time and place made with all men, and to convince the House how different the conduct and language of the Judges were when addressed to their Lordships, and when they spoke from their own tribunals; and he would trouble the House only with two instances in proof of this part of his argument.

The one was the trial of the Dean of St. Asaph, on the 15th of November 1784, before Mr. Justice Buller, at Shrewsbury; the other, what passed on the motion for an arrest of judgement in the Court of King's Bench on the subject of that trial.—Upon the first, when the Judge was appealed to by counsel for the defendant, to know whether the publication was a libel or not? Mr. Justice Buller had said, “that as a single Judge, sitting at *Nisi Prius*, it was not for him to state the law, the whole matter was on the record; and God forbid, by an assumption of the province of the Court on his part, that the subject should be deprived of his dearest birth-rights, the right of appeal for arrest of judgement, or of appeal on a writ of error, to a still higher court!” The Marquis, in terms of the most pointed irony, ridiculed the declaration that a right of appeal in arrest of judgement, and of moving for a writ of error, was one of the dearest birth-rights of Englishmen, asserting that it was neither more nor less than the being turned over from one set of Lawyers to another, and from that other to a third. In fact, it was to be turned over from the Judge who tried the cause, to himself and three others, in a second place; and from them to themselves again, mixed with

a few more Judges, in a third place! How infinitely preferable, he observed, was a verdict of acquittal in the present instance; and how absurd was it to hold forth this tedious circuitous road of arriving at justice, in the case of an innocent man, as the dearest birth-right of an Englishman!

His Lordship proceeded to his second instance, viz. to the arguments of the Judges on the application in arrest of judgment. He read an extract from Mr. Justice Ashurst's speech on that occasion; that Judge declared, he thought all the points in the case reducible to two. With regard to the juries power to take law into their own hands, as well as matter of fact, he utterly denied it. They had the power, he acknowledged, but not the right; and he illustrated the case, by stating, that if a man held a pistol to another's head, he had the power to take away his life, but would any man say he had a right to do it? Just so the jury were circumstanced, who had the power to give a decision on the question of law, but not the right.

His Lordship commented very freely on their mode of telling a juryman that he was like a highwayman, and said, it was one among a great variety of proofs, how different the opinion of the Judges was, when stated to their Lordships, and when given in their judicial capacity. Having amply discussed the two precedents, the Marquis took notice of the song written by Mr. Pulteney, (the late Lord Bath) on the occasion of the acquittal of Franklin the printer, many years since, which he said had been quoted by a Judge in his Court (Lord Mansfield) in a different sense from that in which it had been written and understood, and relied on as a grave argument in proof of the generally-received opinion of the doctrine of libels. His Lordship said, he must have a pretty tolerable degree of confidence in his auditors, and well knew the temper of those around him, before he could have ventured to do so extraordinary a thing; but the noble Viscount near him (Lord Stormont) had again quoted it the other evening for the same purpose, and had declared that he had taken pains to quote it from the original edition.

In the present rage for splendid editions of every man's works, he imagined, his Lordship said, that they should see one advertised of Lord Bath's works, when possibly the commentator would be puzzled which to commend most, the wit and ho-

mour with which the song had originally been written, or the wit and humour with which it had been related by the noble Viscount ; and he declared he should be glad to see what prints Mr. Alderman Boydell would give to this new publication.

They who called themselves the friends of liberty, while they found themselves busily employed in forging chains, as they imagined, for prerogative, were ingeniously forging chains for themselves. Thus the act which declared the Judges independent apparently of the Crown, in fact would be found to render them independent of the people, and solely dependent on the King and the servants of the Crown. In elucidation of this, he stated, that Judges were but men, and consequently subject to mortal passions as other men were. All men were governed by the passions of fear and hope ; take away the former, and then only hope would remain ; and how could that hope be gratified, but by the favour of the Crown ?

Before the revolution, Judges stood on one ground, but since the revolution, on a different one. Before the revolution, Judges took no part in politics, or the debates of that House ; now, they were of great weight in every discussion, and occupied so much of the time of the House in every argument, that the Lords could scarcely get an opportunity of speaking. For what they knew, they might have a Chief Justice at the head of a party in that House, going down reeking with party rage to his Court, to preside on a trial for a libel published against himself ; written by some political adversary. Could such a man avoid being partial and free from bias ? It was not in human nature. But he did not grudge the highest honours of that House to men who had risen from low stations by the continued exercise of legal abilities. It was right that those situations should be open to them, and he was glad to see them among their Lordships.

Before the revolution, there had been a pretender to the throne, and a different family laying claim to it, and all that time the King was the greatest republican in his kingdom. That family had died away and become extinct, and we could only expect to see the characters of Kings come out, when they had no rival to dread. As far therefore as depended on Judges, all the mischiefs that had sprung from corruptness of the Judges might occur again ; we had seen a Jefferies, and we

might see another, unless the wise precaution necessary to guard against their occurring, was taken in time by the Legislature.

He desired to know what the case was on a general issue, where juries could be stated as incompetent to give a general verdict composed of the law and fact blended together, as must inevitably be the case in all general verdicts. He called upon the Judges, not to state him a precedent of such a case, because he was pretty sure no such precedent was to be found; but let them frame such a case, and see whether it would bear an argument. He declared, for his own part, he could not frame any case to his mind, in which juries did not appear as fully competent to decide conscientiously upon the law and the fact blended, as the twelve Judges, and much more than any four of them. He did not blame Lawyers for making a stand against the present bill: it was well worth a struggle on the part of the profession. It was a proud, ambitious profession, desirous of obtaining power over all; and if the noble Lord at the head of the King's Bench could overthrow it, as his Lordship had studied politics as well as law, he would be Lord Paramount of England. The proudest of their Lordships must bend submissive to his nod.

Before they decided against the bill, however, which he flattered himself would not be the case, let them look at what had happened in Rome, as stated in the luminous pages of the ablest historian that ever graced his country *, and they would see that the very same conduct pursued by those who meant to abuse power, when they could completely grasp it, was what the Judges had at all times pursued. At one time, they appeared to be eager to obtain it; then they let it go; then they affected to be alarmed for fear those to be tried should be injured; and had acted as the noble and learned Lord at the head of the King's Bench had done when he stated himself to be, in the former debate, so tender to the subject, that he only wished for the power, in order to protect the subject in cases of trial for libel, from being hastily delivered over to judgement by the ignorance of juries. Thus they were one day all tyranny, the next all humility; but their design all along, concealed the same

sting, the same arrow lurking at bottom ; and no doubt when firmly established, the same would happen as at Rome, for they all knew that Rome never saw a day's liberty afterwards, and what was worse, not a single family knew an hour's peace.

What might not happen, he asked, if the Legislature did not prevent it ? If God Almighty, in his mercy, were to send among us another Locke, or another Montesquieu, he doubted not but they would be deemed libellers. Let noble Lords consider what had happened. He remembered, when in office, having found in the Secretary of State's office, a note that a paper was to be prosecuted for having said that the King had got a cold. And though were such a prosecution instituted now, a jury, he was well aware, would laugh at it ; yet it was not altogether so unreasonable at the time, for the Pretender was in the country, and in force ; it was highly necessary to take care that not even the slightest disrespect should be shewn to His Majesty. But the law itself was daily fluctuating, and the Judges were changing their opinions, and he did not blame them for it. The law and its practitioners must bend to the temper of the times. As a proof of it, he said, he would state a case, and he was not afraid of going out of his depth in citing it ; it was a case concerning covenants, and how far the violation of covenants did or did not operate in the voidance of leases.

[Lord Kenyon happened to whisper Lord Loughborough in this part of Lord Lansdowne's speech, at which the latter took a momentary offence, and desired not to be interrupted, but to be answered afterwards.]

The noble and learned Lord, the Marquis said, was so captious, that he thought he was attacking him, whereas he was attacking no one. Judges must follow opinion ; he had said so, and he thought so seriously. His Lordship then went into some general observations on the bill, which he commended highly for its principle, but took notice of the noble Viscount's having complained that it was obscurely worded. If that were the fact, let it go to a Committee, and in God's name make it clear. But he hoped the bill was to be a single measure. If there was any intention of passing a code of libel laws, he desired that such a code might stand by itself, and not involve the present bill. He declared he was persuaded that justice on trials

of libel would be more substantially done, if the law and the fact, in cases where a general verdict was to be given, were left to juries. Let their Lordships look back to the Roman history, and they would see, that when the people of Rome had the power to choose Plebeian Magistrates, they almost always chose patricians.

His Lordship said, in a large manufactory belonging to a near relation of his, that relation had introduced the trial by jury among his workmen; and he had assured him that the only ill effect was, that the juries were rather too severe in their decisions. A Captain of a man of war, likewise, a most respectable character, though he had not the honour to be acquainted with him, had done the same on board his ship, and there the effect was stated to be the same. The juries were rather too severe. It was clear, therefore, no danger was to be dreaded from it; on the contrary, he was persuaded conviction would be more secure, where the intention, which must, as the noble Earl who opened the debate had stated, be proved, and go along with the facts to the jury, was established; and the Judge would have fifty times the thanks where he said to a jury, "There, gentlemen, it rests on your hands to do justice to your country."

He regarded the present times, not as times of the alarm that they were generally deemed; and declared he had been surprised at hearing so much said of a little paltry book, a pamphlet by Mr. Paine, which he had read just with as much feeling as he had read some miserable abuse of the same nature, and from the same pen, upon himself at the time of the negotiation with the Americans, which, if he had been at all irritable, and had not treated it with the most sovereign contempt, might have had some ill effect on the negotiations, and broke off the treaty, and kept the peace at a distance. If the late pamphlet of Mr. Paine had been treated with the same neglect and indifference, he was satisfied that it would have sunk into utter contempt by this time. He found Mr. Paine had lately republished his attack upon him, imagining, he supposed, that every thing from his pen must be of importance, however replete with misrepresentation and scurrility. But if Mr. Paine and his works were treated with proper contempt by reasonable men, they would die neglected and despised; and it would not

be in the power of Mr. Paine, and those who promoted his publications by their answers, in which one main object was to tell the reader what great men they were themselves, to do any harm. The country had too much good sense to be troubled by such trash.

There were three distinct classes of people in this country. One, and that a very small one indeed, who wished to attack the constitution itself, and introduce anarchy and confusion; another, made up of those time-serving beings, who followed every administration, and were for patching up every defect by corruption, and plastering it over with venality; and a third, of which he professed himself to be one, consisting of moderate men, who were ready to adopt measures of temperate reform, in order gradually and gently to correct whatever was defective. This latter class he hoped was by far the most numerous of the three; and if men of the moderate class were attended to, he was convinced this country would be quiet, most especially if matters were left to juries.

On several late occasions, the country had shewn, even to a degree of prejudice that was astonishing, their loyalty to the King, and their affection to the House of Lords. Within the last ten years it was impossible for any people to have shewn more loyalty to the reigning monarch, who owed them every thing for their love and esteem of his person and family; and such was their reverence for that House, that the first thing that shook the credit of the French revolution in the opinion of this country, was the abolition of titles. He here took occasion to shew the necessity of their continuance in this country, and spoke of that House as the least exceptionable and purest aristocracy in existence; since their honours, titles, and privileges, could only descend to the eldest son, who alone had a right of sitting and voting in that House; a degree of democracy was necessarily infused in every noble family throughout the kingdom, and the general interest united and strengthened.

He concluded with recommending it to the House, to preserve by all means the present good dispositions of the people by acknowledging and admitting their most invaluable right to the possession of all the benefits of a trial by jury, and by an open and unreserved confidence in such an honest people as the people of this country undoubtedly were.

Lord KENYON rose to apologize to the noble Marquis, for having accidentally interrupted him, which he hoped was not in any way unpardonable, as he had intended no offence whatever. Not immediately recollecting the cause to which the noble Marquis alluded, when he had said, the Judges had recently changed their opinions, he had merely asked the noble and learned Lord near him if he could recollect it, for he professed not to do so himself.

The Marquis of LANSDOWNE said, he was not a little proud to be able to instruct the noble Lord on a point of law. That the case to which he alluded, was the case of a tenant in Norfolk, who had taken a lease of an estate, on a part of which there was a piece of furze; and he had entered into a special covenant, that if he ploughed up that furze, he was to pay an additional five pounds per acre rent. He did plough it up, and the noble Earl who was then sitting below stairs, considering that the ploughing up the furze had done more good than harm to the estate, had decreed that it ought not to void the lease, although it had been so previously covenanted. It came up into that House by appeal, and Lord Mansfield then sitting there had reversed the decree, which he recollected had made Lord Camden very angry at the moment. He concluded with remarking how miserably the administration of the law was conducted, when so insignificant a person as he was, could give his opinion on a point of law, and instruct the noble and learned Lord.

The Earl of LAUDERDALE began with professing his intention carefully to avoid any thing like an attack on the Judges personally; declaring, that his duty as a member of that House, and a Peer of Parliament, required no such attack, although he had a right, and it was incumbent on him, to discuss the doctrines maintained by the Judges, both in their answers to the questions stated to them by the House, as well as the arguments of the noble and learned Lords who had delivered their sentiments on the bill in the course of the debate.

He declared his conviction that the bill ought to pass, and that he could collect enough from the answers of the Judges to warrant him in declaring, that what they stated was sufficient to shew their Lordships that the bill was absolutely necessary and highly proper. His wish was to establish uniformity in

the criminal law of England; but in treating the subject, he would not say any thing that might hurt a noble relation of the noble Lord near him (Lord Stormont), who belonged to a profession for which he was himself early intended, and of which he could not speak too highly. He did not wish to aim at those landmarks of the law and the constitution, of which the noble and learned Lord, who so worthily presided over the King's Bench, had said so much on a former day.

Having made this declaration, he proceeded to canvass the answers of the Judges. In their answer to the third question he found a more alarming doctrine than he had ever heard: what he was to collect from that answer, was, that in the opinion of the Judges, the intention formed no part of the crime. He contended, that the intention was not matter of law, but matter of fact, and fit only for the jury to decide on by their oaths, being sworn to decide on evidence, as the Judge was sworn to decide on law. With regard to that part of the answer of the Judges, in which they talked of scattering fire-brands, arrows, and death, and said, no man should say, "Am I not in sport?" every day's experience proved that in cases of murder, where the defendants were liots, lunatics, or infants, they were allowed to scatter such arrows with impunity, upon its being proved that they had no criminal intention; and therefore as it was the law of England that in cases of murder, and in every other case, intention forms a part of the crime, why should it not in libellous cases? He quoted the trial of the King against Horne, and the King against Topham, where Lord Kenyon had left the intention to the decision of the jury.

He must contend for the destruction of that anomaly of the law, which existed in no other case, namely, the custom on trials of libels of calling on a jury for a verdict from premises, which premises had not been suffered to come before them.—He took notice of what had been said by Lord Stormont, relative to the law of Scotland, and stated the famous case of a person tried for the murder of a Peer, by taking up a stone and throwing it at him, which hit the noble Lord in the neck, and occasioned his death, as a clear proof that a Scotch jury judged, both the law and the fact; since after the Judge had in the first instance told the jury, that in law, the libel was relevant, and

the crime imputed to the pannel was murder, the jury acquitted the prisoner, and pronounced a general verdict of not guilty.

He analysed the constituent heads of an information for a libel, which he stated to be four; the two first, the writing and publishing he believed were always considered as matters of fact. The two others, viz. the tendency of the writing charged a libel, and the intention, he said, were deemed matters of law; but he affirmed, that the two latter were as essential for the consideration of the jury, as the two former; and that as the practice at present obtained, any man might be brought into Court and convicted of having published, where the subject matter had no criminality whatever. He declared, he wished the Judge to have the same latitude in cases of other crimes, that he had in cases of libel, but no more; and he observed, that the best possible Government might afford means for its destruction, if not constantly watched and guarded. He believed it, and therefore he was not a little anxious that the liberty of the press should exist free and unfettered. He was, he said, as much a friend to its perfect freedom, as he was hostile to its licentiousness, and abuse.

The liberty of the press was the best guard against corruption, and therefore it was essential to the preservation of the constitution that it should exist. At present, the Judges were men of great wisdom, integrity, and respect, men highly deserving the confidence and esteem of the Public; but the time might come, when they might be of another description, when, if the construction of all matters of law were left to them, the liberties of the people would be in dangerous custody, and might be ultimately destroyed.

He paid Mr. Fox very high compliments as author of the bill, and as a man who, so far from being influenced by any personal motives, never harboured malice in his breast against any individual. His Lordship contended, that those Judges who maintained and acted upon the doctrine that *ad quæstionem juris respondent judices, a quæstionem facti juratores*, as it was contended for, acted unfairly by the subject; while those who acted otherwise, fell into the most wide deviations, and that such inconsistent and contradictory proceedings ought to be corrected.

Lord PORCHESTER said, his noble friend had so amply discussed the whole subject, that he should have contented himself with giving a silent vote, had he not proposed two of the questions to the Judges, upon which, he was sorry to say, he had got no answer whatever. In the answers he had been disappointed in finding that the Judges had been unanimous. He owned he had expected some difference of opinion; and the unanimity of the Judges he regarded as an ill omen, because it proved that the answer was qualified and shaped so as to meet the different scruples of the Judges. He proceeded to discuss the answer to the first of the two questions that he had proposed, viz. the third. The first paragraph of the answer, his Lordship declared, to be perfectly satisfactory; but the next paragraph, in which the Judges add, “that no case had occurred, in which it would have been, in sound discretion, fit for a Judge, sitting at *nisi prius*, to have given such a direction or recommendation to a jury,” totally undid their declaration in the preceding paragraph, and left his question without any answer whatever. He then took notice of the answer to his other question, complaining, that in neither case had the Judges given an explicit nor even an intelligible answer. The jury, on oath, were to give a verdict according to their conviction; and where was the propriety of directing them, when their own conviction was to decide on the whole case? Much had been said of inferences of law; he should not at all wonder if they were applied to every possible subject by and by. An arithmetician might be told, “your table of calculation is an inference of law from figures.” A musician, “your tune is an inference of law from simple sounds,” and so on to every art and science in existence.

The constitution, his Lordship contended, had left to a jury the decision of the question of crime or no crime, and it was the right of every Englishman to be tried by a jury, and acquitted or found guilty by them. No subtlety of a Judge, therefore, should be suffered to do away that right, and substitute in its stead a trial by the Judge. He thought there was a clear necessity of proving the intention of the person charged with a crime, his guilt or innocence depending

wholly upon it ; and believing as he did, that a jury was competent to decide upon the whole of the case, viz. the facts of writing and publishing, and the tendency and intention, he declared he should be of opinion, that if it were not law already, it might be made so, and ought to be so made henceforward. With regard to the temper of the times, he feared it, but he thought they ought on that very account to pass the present bill. He said, he was glad to see so many of the reverend prelates present ; he relied on their support on principles of gratitude, for the reverend bench never surely could forget, how much their ancestors had been indebted to an English jury, when the seven Bishops nobly stood up the champions of liberty. He flattered himself, therefore, that they would assist in repelling an attempt to reduce trial by jury to a mere form.

The LORD CHANCELLOR began with declaring that the question before the House was, whether, after all that had passed, it were necessary that the bill should go forward? It was totally impossible to combat the arguments of the advocates for the bill, without knowing what it was to do ; if it were to pass, they ought to shew how the law ought to stand. The bill went to enact that no defendant should be found guilty merely on the proof of publication. That, the House would see, was a mere negative proposition. If no new advantages were to be gained by it, if the law were to stand in the same situation that it then did, in that case the argument would come to a very narrow compass. But the Judge was to do something more ; and what more was he to do? Why, the noble and learned Earl, for whose talents and whose character altogether no man entertained a more serious respect than he did, who had opened the debate very ably, and in a manner that did him infinite honour, and for which he returned him his sincere thanks—he said, that the Judge ought to declare the law to the jury, and that they should decide both on the question of law and the question of fact.

His Lordship declared he did not know a more dangerous principle, nor a principle more opposite to every thing he had learned from the first moment of his coming into the profes-

sion to the present day. The great and indispensable rule that he had ever considered as the leading principle in all trials for libel, had been the well known maxim, *ad questionem juris respondent judices, ad questionem facti juratores*. His Lordship took notice of the manner in which the Judges in general had been treated in the course of the debate, and particularly Chief Baron Eyre, Mr. Justice Buller, and Mr. Justice Ashurst.—He declared, he thought they had been treated rather hardly and unfairly, because certain he was, that they had acted in strict conformity to those established rules of law that had governed the Courts in the time of their ancestors in an uninterrupted course, as had been before seen from precedents reported by Lawyers and Judges of the most profound learning and indisputable authority, from the days of Queen Elizabeth to the present hour.

A noble Marquis, for whom he entertained a very sincere respect, had set out with laying down some positions, that appeared to him to be so just and wise, that when he heard them, he flattered himself that it would have been impossible for him to have differed from the noble Marquis; but, in the subsequent part of his speech, the noble Marquis had gone as wide from his first positions as it was possible for a man to go. Juries had undoubtedly, in certain cases, a power to give a verdict compounded of law and fact, and that was, where they gave a general verdict; in which case it was impossible for a Court to know whether they formed their verdict on facts only or not. He had been glad to hear what had been said of special verdicts, because they were undoubtedly the species of verdicts to which juries, under any embarrassment, might resort with safety, as they then returned the facts only, and left it to the Judges to find the law upon those facts.

The law, according to the maxim he had quoted, fell solely and exclusively within the province of the Judge to decide on, and it was impossible for the Judge to give the law wrong, he meant with regard to its ultimate operation; because the question was, whether the law of any question could have more certainty from a final resort to such a House as that, than from the decision of a jury, pronounced rashly, and without legal knowledge. In order to prove that the Judges always exercised their right to decide upon matters of law, in every case

that came before them, and most frequently for the advantage of the subject, he instanced a case of a man who was arrested for debt, and taken in execution, and who died in prison; his creditor in that case brought an action against his executor, although he had his body: the plea set up was, that he died in execution, having been taken by a *capias ad satisfaciendum*: the jury, however, found a verdict of a contrary nature, it appearing to them that he was not taken by a *capias ad satisfaciendum*; that a *non est inventus* was returned to that writ, and that he was afterwards taken upon an *alias capias*. The Court corrected the verdict, on principles of law, and the jury's finding went for nothing.

His Lordship took notice of the irony with which Lord Lansdowne had treated Mr. Justice Buller's observation on the importance of the power of appeals and writs of error, and declared he had always been taught the right of subjecting the decision of one Court to the revision and investigation of others, as a matter of infinite importance to the subject. In all special verdicts, the difficulty goes to the Judges, and surely it was more safe in their hands than in any others. Speaking of the legal decisions prior to the revolution, he said, that even in those times, when Judges were not independent, the stream of justice ran with remarkable clearness; and he spoke of the education, habits, and profession of Judges, as likely to habituate them better to purity, accuracy, and clearness of ideas, than any thing else whatever. If these were not the means of making men pure, his Lordship declared he did not know what would. He alluded to Earl Stanhope's argument of Friday, which he ridiculed with considerable pleasantry, declaring that he marvelled at the noble Earl having the nerves, that would allow him for so many hours together to go on quoting books, precedents, and cases of bills of exceptions, demurrers, &c. of most of which, in point of application and meaning, the noble Earl had not a single apprehension. It was an undoubted proof of the goodness of his constitution, and the excellence of his nerves; he would not be so malicious as to remember a joke for two days together, and he freely forgave the noble Earl of the liberties he had been pleased to take with him, although he had charged him with having misquoted Hale and various other authorities: the noble Earl, however, had done him the justice

to give him his revenge, by reading the passages in question; whence it was evident to all their Lordships, that he had correctly quoted the substance of the cases. After dismissing this retort, he quoted Mary Mitchel's case, and a variety of others in the reign of Queen Elizabeth, from the State Trials and many other learned authorities. It was necessary to understand these cases correctly, as they were, in an eminent degree, explanatory of the subject of proceedings in matters of libel.

He detailed the trial of the seven Bishops, and the language of Judge Holt in Touchin's case, where one of the Judges, hearing Holt say that he presumed his brothers would state their opinion, was going to enter into facts, when Holt interrupted him, and said, "Hold, brother; I desired your opinion on a matter of law; I did not desire you to sum up to the jury for me." Having travelled through many cases, his Lordship took notice of what the noble Marquis had said respecting Lord Bath's song, which was written in ridicule of as respectable a Judge as ever sat on the bench, viz. Lord Hardwicke; and declared, that nothing that could be said to discredit either that noble Earl or Lord Mansfield, could persuade him that the House had acquired more wisdom, or were more capable to decide upon such a question as the present, on account of the absence of those two noble and learned Lords. He remonstrated strenuously against altering any part of the established practice of the law, as likely to lead to the most mischievous consequences. He remarked upon the compliments that had been paid Lord Camden, and said, the most unequivocal compliment that could be paid that noble Earl, was, his having relinquished the contest that he had maintained with Lord Mansfield on the present subject, and appearing to have been convinced, when the noble Earl (Mansfield) had laid a paper on the table, stating the directions which he had given to juries in cases of libels, and desiring, if they were found fault with, that they might be fairly and openly brought under discussion.

The Marquis of LANSDOWNE rose to explain two or three points which had fallen from the noble and learned Lord, and it was material should be set right. With regard to Earl Camden's having yielded the point on the occasion of Lord Mansfield's having put his paper of reasons for his conduct in cases of libel upon the table, to his certain knowledge that had

not been the case ; his noble friend had constantly maintained his principles, and on the occasion referred to, had submitted specific answers to each part of Lord Mansfield's paper to their Lordships' consideration. His noble friend had, in his opinion, infinite merit in foregoing the contest at the time in question, as the season had then been most unapt for such a controversy. He particularly paid Lord Mansfield some compliments for the civil and proper way in which he had received many attacks from him in the ardor of his youth, when, perhaps, much of what he had said had been improper ; but on those occasions, the noble and learned Earl had always treated him with regard and deference.

Lord LOUGHBOROUGH apologized for being obliged, at that late hour of the night, to trouble their Lordships ; but on a question of such importance, it became his indispensable duty to state his sentiments. After an exordium to this effect, his Lordship proceeded to explain the grounds on which he should support the bill ; and he began with stating in express terms, that the Judges had satisfied him, from the answers given by them in the paper on the table to the questions put to them, that a bill should be brought in declaratory of the law on the trial of libels. The idea of this bill was by no means a new one, nor was it merely, as the noble and learned Lord who spoke last had stated, a question that had been agitated and discussed by young men, while students, and just learning the elements of their profession.

As long as he could remember it had been the subject of contest, and its principles had been asserted and maintained with all the force of eloquence and argument, by men of the highest character and most acknowledged abilities, both at the bar and on the Bench : he need not enumerate them ; it was sufficient to mention Mr. Dunning (the late Lord Ashburton) and Mr. Serjeant Glynn, as two of the former, and the noble and learned Lord at the head of His Majesty's Councils, as the leader of the latter. It consequently could not be considered as any innovation introduced by surprise. He could not but consider all the arguments that had been urged against the bill as originating in error, and, on that account, in many instances proceeding to absurdity in conclusion and gross misapplication. He said, in the course of the debate almost every noble Lord

who had objected, had reasoned as if a trial for a libel had always been held at *nisi prius*, and consequently by a single Judge upon a record sent down by the Court. The fact was notoriously otherwise: when a trial for a libel proceeded upon an indictment, the Judge was then bound to state the law to the jury, as well as the facts adduced in evidence, and the jury necessarily decided on the combined question of the matter of law and the matter of fact. He reminded their Lordships, that the same powers which they thought from motives of prudence ought to vest in the Judges of the higher Courts of Justice, must equally vest in individuals of a very different description:

At the Old Bailey, an Alderman of London was as competent to sit and act as a Judge in a commission of oyer and terminer and jail delivery, as the first of the King's Justices in Westminster Hall. Nor was it at the Old Bailey only (whence they could not be removed to any other Court) that indictments for libels might be tried, but at Hicks's Hall, or rather the Sessions House in Clerkenwell; and not only in London and Middlesex, but Justices of the Peace at a quarter sessions in the country, were competent to try libels. Would their Lordships therefore think it altogether wise to entrust such large discretionary powers with Justices of the Peace, as some noble and learned Lords now contended ought to be suffered to remain in the hands of the Judges?

A libel was said to be a crime; if it were so, his Lordship declared it was the Judge's duty upon the trial to state what a libel was, and not call for a verdict from the jury first, and say to them, "When I come to pass judgement, you shall then know what sort of a crime it is." The word libel, his Lordship observed, was not of itself definitively the description of any crime whatsoever; it was the more necessary therefore to state it to the jury on the trial, since it was not consistent with common sense to convict a person of a crime where no criminality had been proved. In all his researches he could find but one rule applicable to libels, viz. that to make them an object of prosecution, they must be stated to be seditious, and calumnious either with respect to Magistrates, or the government of the country, or individuals. In order to make out a case, the tendency and the intention must be proved; it

was not enough to prove that the person accused had committed the fact of printing and publishing; it must also be proved that the paper or writing had a tendency to reflect, in a seditious, scandalous, and calumnious manner on Magistrates, the government of the country, or individuals, and that the person publishing it did it with an intention of casting a seditious, scandalous, and calumnious reproach on Magistrates, the government, or individuals.

One absurdity was usually followed by another; he had shewn that libels might be tried by Justices at a quarter sessions; and it was notorious that most of the special juries in the Court of King's Bench in Westminster were Justices of the peace, so that the very identical individuals who had sat as Judges one day upon a question of libel, might the next be converted into jurymen, and deemed incapable of understanding that matter of law which it had been their duty to dispense the preceding day. After most amply discussing the leading principles of the immediate subject, he apologized for finding it necessary to go much at large into the consideration of various points that were pertinent, though they did not immediately bear upon the question under discussion.

He combated the Lord Chancellor's statement of the different precedents to which the noble and learned Lord had alluded, and stated grounds on which he thought the noble and learned Lord had either misconceived or misapplied the cases. He particularly enlarged on the opinions of Sir Matthew Hale and Chief Justice Holt, in respect to the cases of the seven Bishops, and of Touchin. He also quoted Mr. Justice Keeling, and the comments made by Holt, and other subsequent commentators, on particular objections of Keeling, and the difficult points of law that had occurred on various occasions in his time.

He cited the opinions of Baron Fortescue, Mr. Justice Foster, the year-books, and various other of the more modern authorities and reporters, and reprobated the case of Udall, from the state trials referred to by the Lord Chancellor, stating it to be an instance of the most gross, scandalous, and glaring abuse of power in Judges that could be adduced. He concluded with saying, though he had not half gone through the scope of argument, observation, and reasoning that he meant

to have taken, he would spare their Lordships any farther tax upon their patience, and content himself with declaring, that he conceived all must agree that the bill ought at any rate to go to a Committee.

Lord KENYON came forward, very shortly to observe on two or three particular points that had fallen from the noble Lord, that were extremely material, but declared he would trespass for a very few minutes only on the patience of the House. His Lordship then contested some of the cases cited by Lord Loughborough, and expressed his surprise that the noble and learned Lord, with a head so accurate, and an understanding so acute, should have forgotten to state certain points which he mentioned. He answered what Lord Loughborough had said respecting trials of libels by Justices of the Peace, at quarter sessions in the country; and said the commissions under which Justices of the Peace, by far the most useful Magistrates in the kingdom, were constituted, originated above five hundred years ago, in the reign of Edward the Third, and contained a special provision in them, that all the more arduous matters of a judicial nature should be referred to the higher Courts, and at any rate they were revisable upon appeal by *certiorari* to an examen in the Court of King's Bench. He desired the House, before they voted for the bill's going any farther, to consider to what an extent the bill would go if they decided in its favour; that they would have no authorities to refer to as a security for their Lordships' estate, an argument which he earnestly pressed on their Lordships' consideration.

Lord GRENVILLE promised to state his arguments in support of the bill very shortly; but he wished to inform their Lordships of the grounds on which the bill had originated, the arguments that chiefly induced him to contend for it strenuously, and the reasons why those arguments appeared to him to be irresistible. A practice had of late obtained for Judges, on the trial of questions in cases of libel, to tell juries, that they had nothing to do but to find the facts of printing and publishing, and to leave the whole of the other considerations to them. If this practice had not lately obtained, Lord Grenville said, it had at least drawn the public attention to it more than it had formerly done, and there prevailed a pretty general opinion against it. So convinced was he of its impropriety, his Lord-

ship said, that if it could even be proved to him that it was the established law of the land, and that all the precedents, in all times and under all circumstances, ran in one uniform stream in its favour, still he should be of opinion that it ought to be abolished.

So convinced was he, that the practice ought not to exist under the circumstances of the present times, that he should strenuously have supported the present bill, had the arguments in its favour been less forcible. His Lordship declared, that, were it an enacting bill only, he was ready to vote it immediately, and in that case there would solely have remained the policy to have discussed a question which it would have been extremely easy to maintain. He complimented the noble and learned Earl who had opened the debate, and Lord Loughborough also, for the able manner in which they had defended the bill, and so justly and eloquently stated its principles.

He wished Lord Kenyon had gone more fully into the discussion of his objections, being perfectly conscious that they were capable of receiving an answer, and that the abuses in the practice of the Courts which the bill went to correct were so enormous, that the bare statement of them would be sufficient to convince every unprejudiced man, that the bill ought to pass. He insisted that in all crimes the intention was an essential point. In murder, the most flagrant of all criminal cases, it was not only necessary to prove the killing a man, but the intention to murder him, to make it murder. So, in cases of libel, a man might write a letter against a Magistrate, which might, at first sight, appear to be seditious and scandalous, but which, upon farther investigation, might be found to be no libel, but a letter written with an intention worthy of a good subject.

In Stockdale's case, his Lordship said, the publication and innuendoes were admitted, but the jury had, nevertheless, given a verdict of not guilty, and must consequently have decided both on the law and the fact. It was, he said, the duty of the jury to take into consideration the whole of the premises on which they were to find a verdict of guilty, or not guilty. The constitution, he was satisfied, must have intended that juries should possess the whole power combined, the twofold consideration of the law and the fact; and seeing the subject in

that point of view, he should agree to a bill to declare it to be the law ; and even had it not been so, he was ready to agree to the passing a bill that would evidently tend to strengthen the hands of Government, and put an end to such libels as were otherwise to be expected against the peace and happiness of the country.

The House divided on the question of commitment.

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The bill was ordered to be committed.

The House adjourned.

Tuesday, 22d May.

The Lords proceeded on the bills before them, and adjourned without any debate.

Wednesday, 23d May.

The House in a Committee on the servants' characters bill, went through the same, and ordered the report to be received to-morrow.

The House adjourned.

Thursday, 24th May.

The House proceeded to take into farther consideration the slave-trade propositions, and having examined a witness, the farther hearing was adjourned to

Friday, 25th May.

At one o'clock their Lordships proceeded on the examination of witnesses, and continued until six in interrogating Captain Farrar, who, among other things, stated, that he was up the country at Dohama, in the year 1790, with a French, English, and Portuguese Governor ; that for the space of a month they were daily witnessing numbers of unfortunate wretches who were led as sacrifices to the late King ; and that on the last day

he saw at least five hundred heads which had been severed from their bodies ; that while there, he bargained for seventeen slaves in one day , and going on the next, he found they had been murdered in the night, the King having been informed a sacrifice was necessary ; and that he verily believed those sacrifices would be much more frequent, if it was not for the weight that interest had with the Chiefs.

He was cross-examined by the Duke of Clarence, the Lord Chancellor, and Earl Stanhope. When the Counsel was ordered to withdraw, he begged to be discharged, as his ship had been ready for sailing twelve days, which was opposed by Lord Grenville, upon the ground that much cross-examination might be necessary. This drew on a conversation between the Duke of Clarence, Lords Stormont, King, and Grenville ; the two former contending, that their Lordships had better undergo the inconvenience of sitting another hour, than that an individual should suffer the prejudice of being detained several days. At length, Lord Grenville gave up his desire of cross-examining him ; the witness was discharged, and the farther proceedings on this business ordered for Tuesday se'nnight.

The House adjourned.

Wednesday, 30th May.

Proceeded on the bills before the House, without any debate.

The House adjourned.

Thursday, 31st May.

The order of the day being read for taking into consideration the King's Proclamation,

The Marquis of ABERCORN claimed the attention of the House. He observed, that the seriousness of the subject, its importance, and its magnitude, were such, that he felt a conviction he should meet with their Lordships' approbation in the measure he should propose. He felt a confidence also that it would meet with a general concurrence throughout the country. The object which he had in view was, to agree to an address formed in the other House of Parliaments—an address of

attachment to His Majesty and his illustrious Family, his crown, dignity, and the genuine principles of the constitution. This attachment was founded on the principles which united us together in one bond of social union, and kept together by those ties, and invigorated by those feelings, which ought to actuate the heart of all those who knew that, as men, they were bound to transmit unfulfilled to their posterity what from their ancestors they received with such advantage. This was a time for us all to declare what we felt, and to make known the principles by which we were actuated; it was necessary we should do so for the preservation of what we at present enjoyed. It was a season, indeed, of national happiness and tranquillity, and stood admirably contrasted with that period when it was well known that we were on the brink of ruin. It was a season in which, he would venture to say, that the people of this country were without a grievance or oppression; that they neither felt, nor had any reason to feel, any distress; that there was not one man in this country at this moment unprotected; nor did he believe there was one who need be unemployed.—Contrasting it with the state of the country at a former period, would afford pleasure to all who were its well wishers; but contrasting it with other countries at the present period, was matter of still greater exultation; and he believed there was but little encouragement to follow the example which had lately been set to us by a neighbouring country, and recommended to us with such assiduous industry by some persons in this. He believed, indeed, that he might venture to say, that, taking all mankind together in one view, of all those who had their affairs regulated by any thing deserving the name of Government, or who could pretend to say they had a constitution, or any thing deserving of that name, there were none so happy as the people of this country. This led him to reflect on the disposition, and the possible effect of disseminating the works of those who had lately been employed in endeavours to make the people unhappy and discontented. He had, indeed, for months, seen various publications filled with invective against the leading characters of our Administration, against the State, against the form of our Government, and against all constitutional authority whatever; against the very existence of all Government, and against the bonds by which we were bound together in a

social state ; some of them objecting to the mode and form of our Government—others to the practice, others to the expence of it, all tending to make the people discontented, and to lay down the plan of our total ruin. The affairs of France, and the conduct of the French, had frequently been alluded to in these publications ; the one was celebrated as a matter of triumph, the other recommended as fit for imitation. For his own part, he must confess, that both appeared to him to be regarded as a lesson for mankind, teaching them to avoid, instead of applauding, much less producing a desire of imitation. However, he had nothing to do with French politics on this occasion, nor had the people of this country. We had only to go on our own way, pursue our own affairs, preserve our own happiness ; and leave the French, that wretched nation, to its own wretchedness ; to concert plans, to pursue measures, to adopt sentiments, which disgrace human nature, and destroy happiness ; or to endeavour to make such atonement for former mischief as they can ; we should totally avoid all disputes upon topics which related to them ; we should pass over the whole of their folly and misery without a comment ; that was his wish ; but if it was well known, that not contented with their own wretchedness, not satisfied with their own ruin, they were busily employed in endeavouring to convert the inhabitants of other countries to their opinions, to spread their political maxims all over Europe, and to make misery universal, he confessed he thought it was high time for the people of this country to be put upon their guard against these dangerous errors. From much that had had seen, and from much more that he had a right to suspect, he was sure he did not say too much, when he said the people of this country ought to be put upon their guard against such attempts. It was well known, indeed it was publicly notified, that associations were formed in different parts of this kingdom ; in some cases, perhaps, innocently intended, but all indefinite in their object, and therefore dangerous in their effect ; he must, under such circumstances, say, that the meanest proselyte ought to be told of his error ; he therefore thought that Government, and the Parliament of this country, ought to consider themselves as at issue with the authors of the seditious writings alluded to in the proclamation, and that they were bound to refute the calumnies on the con-

stitution, and, by their deliberation, come to a resolute agreement to discountenance such proceedings, and to tell the people of this country, that the present is a moment in which the Legislature of this country is determined to repel and counteract this attempt to ensnare and delude the Public. It was a satisfaction, however, to himself and those who wished well to this country, to see that the effect of all the attempts to deprive the people of this country of the happiness which they enjoyed, by making them dissatisfied with it, had hitherto been very trivial. It was true Government had been silent on that subject; until very lately, they had beheld these attempts with a contempt almost bordering upon indifference to the public happiness; on this he did not wish to give an opinion. It was sufficient to say, that the whole being hitherto left to the almost unassisted good sense of the people of England, no complaint could be made against thus taking it up in Parliament, and by this discussion, referring and appealing to the people upon the determination whether or not it shall any longer be a question of indifference. As to the various associations that had been formed, for something, he knew not what, nor could any thing be known, because there was nothing definitely expressed, he believed that if they were analyzed, and their views really explained, that explanation would alarm the best politician in this country, and make him confess the necessity of parliamentary interference. The associations were numerous, some of the members of them obscure individuals—others who had signed their names to resolutions, were well known to be men of wealth and respectability, some of whom were Members of the very Parliament, the power of which they thus wished to diminish. When men of such character, connection, and influence avowed such intentions, it was time for Parliament to stand forward, and avow its own authority, for the protection of its own rights, and for the interest and the happiness of the people; and under this impression, he was ready to confess, he rejoiced that the question was at issue between Government and the authors and publishers of these seditious writings, and the members of these associations. He was glad that the subject was entirely before the people of England, in order that they may judge for themselves. Their good sense would form a ~~just~~ decision on the subject. It was not the respectable names

of any member of any associations, of any volunteer Parliament, that would induce the people of this country to fight against that constitution which was the bequest of their forefathers ; they would consider into what depth they might fall before they would move, under these circumstances, from the rock on which they stood. He did not pretend to say he understood all that was in the view of our reformers, but as far as he could understand them, they appeared to him to have a wish first to recommend themselves to the people of this country as their peculiar friends, and when they shall have succeeded in that endeavour, and shall have brought the country at their feet, then to promise to use it well ; but he was confident that there was but little fear either of their influence, their number, or their plots ; for he believed, that when once we had counted them from the lists, as they published them, we had really counted their whole army ; but that there might not be false rumours on the one hand, or dangerous and hidden plots on the other, Government had acted wisely in issuing this proclamation, in order that the people of this country may exert their good sense to preserve their happiness by preserving order. He did not much wish to indulge conjecture ; but he would say, that if there were any intentions hostile to the present Government, the reliance in that case must not be on the people of England, but on some other assistance. It was true, that some of them expected the countenance of the whole body of Dissenters in this country ; and indeed he was sorry to reflect, that from the manner in which they had been treated, there was some reason to fear that they were dissatisfied in some respects ; but he trusted that such a reliance would be ill founded. The Dissenters, as a body of men, were certainly respectable ; and whatever might be the opinion of others, his had uniformly been, that civil distinction, on account of religious persuasions, were all unwise, and should never be supported by the authority of the State. God forbid we should suspect any man of evil intentions to Government, from his mode of religious worship. His principles, he confessed, were, in this particular, in favour of as much religious toleration as could possibly be granted ; and that there should be as little inequality in civil rights as was

consistent with the safety of the established mode of worship, and in his mind it was bad policy to refuse any civil rights to any class of men on account of their religious principles.—The time was now come, when all who had any regard for the safety of the State should stand forward in its defence, both for civil advantages and religious toleration, because there were attacks made on both our civil and religious constitution, and he trusted the Dissenters, differing as they did from the members of the establishment, and, in many instances, from each other, would yet agree to support the constitution, on which depended the happiness of us all.

With regard to the ideas of a parliamentary reform, considered in itself, he was ready to confess he was not alarmed at it; but although thus simply considered, it was harmless in itself, yet, combined with certain circumstances, it might create the greatest dread and terror. Indeed he thought that a parliamentary reform, undertaken in a proper manner, at a proper time, was a measure so right in theory, that it would be proper to attempt to carry it into practice; he thought so on a former occasion, and therefore voted for it. He would vote again for a similar proposition under similar circumstances; but he must beg leave to declare that this was not the time at which any attempt should be made to make any alteration whatever. Still less did he approve of the manner in which the proceedings of the different Associations were carried on. They seemed to him to set out in the most dangerous manner; for by appealing to the people, and endeavouring to change their minds, they in fact went about to subvert all order and decorum; for by changing the minds of the people, and making them discontented with their present condition, they prepared them for something more, a disposition to obtain the object of their desire by force, a principle at war with all order and tranquillity in a State. It was not a reform in Parliament which this plan could be said to aim at, for before the will of the people could be known on this subject by this way, Parliament must be no more. Much stress had been laid on what was called the voice of the people; but this was, like many other sentences, capable of being much misapplied, and it was so in this instance. There never was

yet a faction so contemptible that could not form a Committee, and draw up resolutions, calling them the voice of the people. There never was yet a number of persons associated for such purposes as those, who were so destitute of address, as to be unable to obtain petitions from various places, praying for any object which they thought fit to advise them to call for—this too was called the voice of the people—but in fact it was nothing but the clamour of a faction, composed of discontented and designing individuals. But he believed that the present Associations would, like many others, be treated with contempt by the Public. They seemed to him to have but little advantage in any respect—with politics that were exploded—popularity that was entirely silenced—commotions that were suspected, principles that gave general disgust whenever they were made manifest to the Public. He would say, that, little as he loved, he feared them less. But yet as there was no cause for fear hitherto, it by no means followed that there never would be any reason to dread these efforts; for if not checked in time, they might become formidable. The cause was the cause of the country, and he hoped the good sense of its inhabitants would not suffer any set of men to infringe upon the prerogatives of the Crown, the liberty of the subject, or in any degree to go beyond any one of the limits of the constitution. He owned he had great confidence in the people of this country, in every view in which he contemplated their character. The people of England were now, what they always had been, a generous, brave, and a judging people. They would not suffer themselves to be deluded by the artifice of a faction. They were the happiest people on earth. They knew it, they felt it, and they deserved it. From an attachment to their Sovereign, to themselves, and to their country, they would preserve their freedom. He then moved, by way of amendment to the address of the Commons, to make it the address of both Houses of Parliament, by inserting, after the words, “That the humble address of,” the words “Lords Spiritual and Temporal, and”

The Earl of HARRINGTON seconded the motion, and said, every country must support its constitution, and he relied

on the good sense of that House to support the constitution of this country. His Lordship declared his hearty approbation of the measure adopted by Government, as calculated to secure and maintain a constitution, which had long been the admiration of the world: a constitution in which the laws were equal, and by which our situation had been rendered flourishing and happy: it was a constitution which he hoped might long continue as it now was, and produce blessings to the country to the end of the world.

The Prince of WALES (and it was the first time he ever spoke in Parliament) came forward on the occasion, and in a manly, eloquent, and, we may truly add, persuasive manner, delivered his sentiments. He said, that on a question of such magnitude he should be deficient in his duty as a Member of Parliament, unmindful of that respect he owed to the constitution, and inattentive to the welfare, the peace, and the happiness of the people, if he did not state to the world what was his opinion on the present question. He was educated in the principles, and he should ever preserve them, of a reverence for the constitutional liberties of the people; and as on those constitutional principles the happiness of that people depended, he was determined, as far as his interest could have any force, to support them. The matter in issue was, in fact, whether the constitution was or was not to be maintained—whether the wild ideas of theory were to conquer the wholesome maxims of established practice; and whether those laws under which we had flourished for such a series of years were to be subverted by a reform unsanctioned by the people. As a person nearly and dearly interested in the welfare, and he should emphatically add, the happiness and comfort of the people, it would be treason to the principles of his mind, if he did not come forward and declare his disapprobation of those seditious publications which had occasioned the motion now before their Lordships; and his interest was connected with the interest of the people; they were so inseparable, that unless both parties concurred, happiness could not exist. On this great, on this solid basis, he grounded the vote which he meant to give, and that vote should unequivocally be for a concurrence with the Commons in the

address they had resolved upon. His Royal Highness spoke in a manner that called not only for the attention but the admiration of the House; and these words were patriotically energetic: "I exist by the love, the friendship, and the benevolence of the people, and their cause I will never forsake so long as I live." His Royal Highness then concluded with distinctly saying—"I give my most hearty assent to the motion for concurring in this wise and salutary address."

The Earl of LAUDERDALE rose, a great cry for several noble Lords, who presented themselves, took place, which at last subsiding, the noble Earl observed, he should have given way to others with pleasure, but that from particular circumstances at the present moment, he was under the necessity of soliciting permission to address their Lordships. If ever there was a man particularly called upon to deliver his sentiments in that House, and to repel the attacks made upon them, and all those with whom he acted, he was the man.—If ever there was a man who felt, and ought to feel, an eagerness to defend his character, and the character of those for whom he had the greatest affection, from aspersions and insinuations unfairly thrown out against them, he was that man, and therefore he trusted their Lordships would do him the justice to impute his eagerness to the proper cause. Those with whom he acted, in the situation to which the noble Lord who opened the debate alluded, a Society of the Friends of the People, for the purpose of obtaining a Parliamentary Reform, were men of as spotless characters, pure intentions, and unsullied virtue, as any in that House, or in this kingdom, and he believed that the voice of malice had never been heard to assert the contrary. They were characters whom no one had ever ventured to detract. Having borne this testimony for them and for himself, and maintained that they all had as much affection for the Sovereign on the Throne, as much respect for the laws, and as much attachment to the principles of the constitution, it might be expected that he should proceed immediately to the motion before their Lordships, but he must, he said, be permitted to observe, that all the pains which had been taken to impress the people of this

country with an idea, that those who called for a reform had something more in their desires and their wishes than they were willing to express by words, were very insidious, and were as false as they were insidious. He, and all those who were the objects of these calumnious insinuations, were as well and as firmly attached to the House of Hanover, as well convinced of the security the people of this country had for their freedom at the accession of that House to the throne of this kingdom, as any man in this country, or in Europe.

They had an unfeigned attachment to His Majesty, and every branch of his illustrious family, which an event of this day tended to confirm, in a speech which, while it delighted all who heard it, conveyed an assurance of security for a continuation of the highest protection to constitutional sentiments; for his own part he assured the House, their Lordships should hear nothing from him that would tend in the least degree to depreciate the constitution of this country; all his endeavours on that part of the subject, which might be called personal allusion, should be only to shew how the Friends of the People and their proceedings had been misrepresented. If he could view the proclamation in the light in which it was taken by the noble Lord who moved the address, he should have been ready to agree to all that could be moved in support of it. But viewing it in quite another light, he should deem it his duty to follow a very different course, and to move an amendment on it. The amendment which he should propose would be an address, in which nothing would appear that was disrespectful to the Legislature, or contrary to the principles of the constitution of this country. On the contrary, it would contain the highest respect for both. The noble Lord who moved the address now before the House, was pleased to insinuate that they entertained sentiments which they dare not avow; and talked of their using a language which he did not believe to be the language of the people of this country. Upon the first part of the observation he would have the House and the world to know, that there was not a man in their society that said what he did not mean. If ever there was a set of men that took pains to inform the public of all they wished to obtain, it was the society of the Friends of the People, they had always taken care to publish their declaration and political creed, and pledged themselves

to abide by it whenever the least hint was dropped of a doubt of their intentions. He should not have taken such pains to expatiate on this topic, if such pains had not, on the other hand, been taken to misrepresent them. With regard to the other part of the observation of the noble Lord, that they spoke not the sentiments of the people of England, he must be allowed to say, that neither of them could be qualified to judge decidedly of that subject, neither of them precisely knowing what these sentiments were; but the society of the Friends of the People were taking the only method that could be taken to know these sentiments, and with that view had abstained from moving any thing in Parliament until that sentiment could be known, for which purpose they had given notice of bringing it forward in the next session, allowing, in the mean time, the people time to consider upon the subject. So that in point of fact, they were accused of doing what the people of this country did not wish, when it was clear, they only called on the people of this country to express that wish, before any attempt was made to support it. As to the proclamation itself, he observed, that in their eagerness to obtain their ends, those who had been concerned in framing it and advising His Majesty to issue it, had been so eager, that they had overlooked and neglected their own character, in endeavouring obliquely to vilify the characters of others. They had neglected their usual policy; they had been unable to conceal their object, a thing exceedingly uncommon with them. As to the effect of the proclamation, he begged their Lordships to reflect for a moment, before they gave it any approbation. One part of it struck him to be of an extraordinary nature.

“ And whereas the wealth, happiness, and prosperity of this
 “ kingdom do, under divine providence, chiefly depend upon
 “ order, submission to the laws, a just confidence in the wis-
 “ dom and integrity of Parliament, and a continuance of that
 “ zealous attachment to the Government and constitution of
 “ the kingdom, which has ever prevailed in the minds of the
 “ people thereof.”

Now this very confidence, which was here extolled so much, was one of the great reasons why a reform was necessary; or rather because there was no confidence by the public in that very Parliament. Those who doubted this might reflect on

the armament against Russia. A measure carried with vast majorities in Parliament; but so execrated by the people, that the Minister, with all his boldness and contempt for public opinion, dared not attempt to carry it into execution. Thus there was a necessity for a reform, or else the "happiness, wealth, and prosperity of this kingdom do not depend on a confidence in the integrity of Parliament." Another part of the proclamation demanded particular notice.

"We do strictly charge and command all our Magistrates in and throughout our kingdom of Great Britain, that they do make diligent inquiry, in order to discover the authors and printers of such wicked and seditious writings as aforesaid, and all others who shall disperse the same: And we do farther charge and command all our Sheriffs, Justices of the Peace, Chief Magistrates in our cities, boroughs and corporations, and all our other Officers and Magistrates throughout our kingdom of Great Britain, that they do in their several and respective stations, take the most immediate and effectual care to suppress and prevent all riots, tumults, and other disorders, which may be attempted to be raised or made by any person or persons, which, on whatever pretext they be grounded, are not only contrary to law, but dangerous to the most important interests of the kingdom. And we do farther require and command all and every our Magistrates aforesaid, that they do from time to time transmit to one of our principal Secretaries of State, due and full information of such persons as shall be found offending as aforesaid, or in any degree aiding or abetting therein, it being our determination, for the preservation of the peace and happiness of our faithful and loving subject, to carry the laws vigorously into execution against such offenders as aforesaid."

What was meant and intended by this? If any had offended against the laws, were not the Courts of Westminster Hall open? Why establish a system of inquisition in this country? What a miserable compliment to the jury of this kingdom, to tell them that they are unfit to try those who are found offending against the laws, without the assistance of a Court of Secret Inquisition! What a compliment to gentlemen who hold the King's Commission of the Peace, to call upon them to become

spies and informers ! What a compliment to the whole jurisprudence of England, to tell the people that their security does not depend upon the law of the land publicly to be administered, but on the secret practices of a nest of informers, acting behind the curtain ! That it was not law and reason, but power and oppression, which formed the system of our Government. He objected to this proclamation also upon the general tendency of it ; that tendency, he was confident, would not be to produce confidence and contentment in the people, but distrust and dissatisfaction—not friendship and good will in one class of men towards another, but animosity and malevolence. Much had been said about the writings of Mr. Paine, and about the propriety of counteracting their effect. If so, why not have taken that subject up a great while ago ? The author and the publisher were well known ; there was no difficulty in it, if Government were in earnest upon that subject. Indeed he doubted their sincerity—or if they were sincere, he doubted the propriety of either telling the people of this country what books they should read, or how they should think ; there was something in the human mind that disdained to yield to any mandate whatever. Besides, if these publications were brought to trial, the whole would be published, and all the arguments made use of brought forward in the shape of a trial in a Court of Justice, would become more alluring than at the time of the original publication. Upon the principle of liberty he doubted the propriety or justice of prosecuting any man for the publication of any speculative opinion whatever. It was one of the advantages of a free constitution, that speculative opinions could be published on it, in order that the people might have an opportunity of reading, comparing, judging, and thinking for themselves. As to the works of Mr. Paine it was observable, that when he began to write, he was remarkable for moderation—but being employed in the collection of revenue—and his business leading him to the coast of Suffex, where the opinion of the Duke of Richmond had so much influence, he became quite intemperate in his ideas of the abuse of the representation of the people. He proceeded then to shew, that neither the time nor the manner in which the Friends of the People had proceeded for obtaining a reform in the representation of the people were new. They followed

the steps of the Chancellor of the Exchequer and the Duke of Richmond, by whom they were now abused, now, merely, because there was no other excuse for the apostacy of these two pretenders to public principle. It was a miserable attempt to call off the public attention from their former professions, and to enable them to continue in office at the expence of the Public. [Here he entered into an account of all the meetings held at the Thatched House in the year 1782, under the auspices of the Duke of Richmond and the Chancellor of the Exchequer. For these accounts see the report of the debate in the House of Commons on the Proclamation.] He added other instances of the same nature to prove the absurdity as well as injustice of complaining of the mode and time of bringing this subject of reformation forward. The truth, he said, was, that there was no difference as to the manner of bringing this forward, and that adopted by the Duke of Richmond, and the Chancellor of the Exchequer. As to the time, if there was any difference, it was, that the present was a time of tranquillity, and the other was a time of tumult. As to the parties, indeed, there was a great difference. The Chancellor of the Exchequer and the Duke of Richmond might promise the public any thing, and retract it at their pleasure, and preserve their consistency, for their consistency was nothing more than a series of deception on the Public, and in this they were only acting in character. But the Friends of the People had pledged their character to go on with their plan of reform in the representation of the people in Parliament. They must proceed; for they had not the prescription of pledging themselves to do a thing which they might afterwards desert. The noble Duke might do as he pleased. He had once been a great friend to a parliamentary reform, and called on the people to assert their rights. Now he was to be at the head of a camp formed to overawe the people of this country, and particularly the inhabitants of this metropolis.

Upon the laughter of some noble Lord, Lord Lauderdale here said, "The noble Lord is pleased to laugh; perhaps he knows of some secret enemy; of some place of invasion; of some information of hostile purposes in other countries, which Ministers, in their prudence, have not communicated to us." In giving the command of this camp to the Duke of Richmond,

if *apostacy* could justify promotion, Ministers were well justified; for, perhaps, in the whole list of public apostates, there could be found none equal to the noble Duke, if the name of General Arnold was previously erased from it——

The Duke of RICHMOND called upon their Lordships to put a stop to such *impertinent* language. He was ready to bear with any soreness which the noble Earl, in his peculiar situation, might feel; but when he proceeded beyond the bounds of decency, he hoped the House would interfere*.

* AFFAIR of HONOUR between the DUKE of RICHMOND and the EARL of LAUDERDALE.

In consequence of a very strong expression made use of by the most noble Duke to the Earl of Lauderdale, in the debate on Thursday last, we understand that his Lordship sent him, the following day, by Mr. Grey, a message, purporting that, in consequence of the severity which he used towards the public conduct of the noble Duke, he (the noble Earl) expected that his Grace would, in his answer, have gone to as much severity of reply as the rules and decorum of debate would permit him. But that he had gone infinitely beyond this, and had made use of an expression unjustifiable among gentlemen. He demanded, therefore, that his Grace should retract this expression.

The noble Duke refused to make any concession, and said, he was ready to give the noble Earl the meeting *immediately*. Mr. Grey said he was intrusted to tell the noble Duke, that if he did not comply with the demand, Lord Lauderdale would expect to meet him the next morning, but he could not undertake to fix a meeting without again consulting his Lordship, sooner than that time. A meeting was accordingly fixed for the next morning on the Edgeware Road.

In the evening Mr. Grey received a letter from Colonel Phipps, intimating that he had hopes the affair might be amicably settled, and that the noble Duke would not persist in the expression, if Lord Lauderdale would say that the allusions in his speech were all to the public political conduct of the Duke of Richmond, and not to his private character.

Mr. Grey said, he could at once answer for his noble friend, that his allusions were all to the public conduct of the noble Duke, for they were expressly declared so to be in his place at the time.

These gentlemen afterwards met, and Colonel Phipps brought a paper from the Duke, which stated that warm expressions had passed between the two noble Peers, and that a discussion having taken place, and Lord Lauderdale having declared that his expressions alluded only to the public conduct of the noble Duke on the question then under consideration, he, the noble Duke, did not persist in his expression to Lord Lauderdale.

This paper being shewn to Lord Lauderdale, he objected to two material passages in it.—1st. That it should be stated, that on his direct demand, a discussion had taken place—and 2d, That his expressions of severity against the noble Duke, were not confined to his

Lord LAUDERDALE proceeded, and said that he knew of no indiscretion that he had been guilty of, or any transgression against the order of debate; if there was any complaint to be made against him, he was perfectly ready to defend himself. In fact Ministers were actuated by meanness and by malice in their present conduct. Their views were to divide their opponents as a party—but that was a fruitless attempt; and the impotence of it was too apparent to merit notice. They were a party that had done much for the people of this country, and obtained them many advantages; they were a party that had exerted itself in the cause of the people, since the time of bringing forward the Irish propositions, to the defeat of the Russian armament, and the last bubble of the sinking fund. Here his Lordship paid some handsome compliments to the Duke of

political conduct on the particular question of parliamentary reform, but generally to his public political conduct; and he wished them so to be understood.

The paper was altered agreeably to the demand of the noble Earl; and the affair, which was drawn out to very near the time appointed for the meeting in the field, was happily settled.

* * In stating the above matter, we are fully sensible of its delicacy, and of the importance of the slightest deviation from the precise truth. We have delivered it to the Public faithfully from the report in the upper circles, as it has been so much the subject of conversation.

The above account appeared first in the Morning Chronicle; the following was afterwards published in all the papers:

We have authority to give the following authentic statement of the result of the late transaction between the Duke of Richmond and the Earl of Lauderdale:

Some strong expressions having taken place in the debate on Thursday, in the House of Lords, Lord Lauderdale requested an explanation of an expression used by the Duke of Richmond; and a discussion having taken place on the subject, Lord Lauderdale declared, that the expressions used by him, applied solely to the Duke of Richmond's public conduct, and that he meant nothing in any respect personal to his Grace's private character. The Duke of Richmond, on his part declared, that he did not persist in the terms he used to Lord Lauderdale, those expressions having been suggested solely by the idea of his private character having been attacked.

A meeting afterwards took place between Lord Lauderdale and General Arnold, on the 1st of July, but terminated without any unpleasant consequences to either party.

Portland, Mr. Fox, and other Members of the party to which he alluded, and then proceeded to take notice of the functions of that House, as the hereditary advisers of the Crown, and made many excellent remarks on the propriety of not only not disturbing, but of taking pains to prevent disturbance in the public mind. He concluded with observing, that notwithstanding all the abuse that had been bestowed upon the Friends of the People, there were none who were more eager for the welfare of the people. He then moved an amendment, to the same effect with that moved in the other House by Mr. Grey.

The Duke of RICHMOND rose to defend himself from the charge of inconsistency, which the noble Earl had made against him. His opinions were not altered on the subject of reform from what they were at the period alluded to; but when the difference of circumstances was attended to, he thought he would be in no danger to leave the determination on his consistency to the House—for he maintained the causes which induced him to adopt these principles, and support a parliamentary reform in 1782, were such as deterred him at the present time from bringing forward, or wishing for any measure of that nature. With regard to the quotation that had been made from what were his words on a former occasion, he must remind the noble Earl, that the speech quoted, was spoken in reply to what had fallen from a noble Marquis (Lansdown), who had wished to revive the negative of the Crown. He did not consider the proclamation as directed particularly against the Association of which the noble Lord avowed himself to be one; but as far as it had any allusion to that society, he was not surprised that the noble Lord felt sore on the subject, especially when he was obliged to confess that, in acting with them, he was under the necessity of differing with many of his best friends, who were adverse to all such proceedings. He approved much of the manner in which Ministers had come forward with the proclamation, by making themselves responsible for the measure, and then asking the opinion and approbation of Parliament upon what they had done, which was certainly a better and more manly way than if they had previously obtained the approbation of Parliament, and shifted responsibility from themselves, by acting under that sanction; and he

owned he did not expect that there would have been any attempt made to blame Ministers for that conduct, particularly as they had the opinion of most of the leaders of opposition on their side. He thought the wisdom of all reforms depended much upon their being well timed ; and this, of all others, he conceived to be the most improper time to agitate such questions. He did not mean to ascribe any bad intentions or motives to the Association, but he really thought their measures had a dangerous tendency, by the effects they might produce on the public mind at this juncture. He described what he considered to be the unalienable rights of men, but would not admit that individuals were Judges of that point. He agreed with Mr. Burke that no reform was proper except it was necessary, and made this distinction between the reform which he had supported, and that now proposed by the Association. Then the country called for reform, now the Association called upon the country to support them in doing it, by stirring up in the minds of the people discontents and jealousies, of which they themselves were perfectly ignorant. He declared that he was still as much for a moderate reform in the representation of the Commons as ever, provided the people called for it ; but they were too wise to think this the proper time. The conduct of the Association was, in his mind, prejudicial to every thing like temperate reform, and in its attempts and tendency might prove dangerous to the State. In the first instance they do not agree amongst themselves, which is absolutely necessary, if their object is to do good ; they complain loudly of grievances, but offer no specific remedy, nor do they state any one proposition ; the country, he said, if it called for reform, would not be pleased with a little tinkering up of the constitution ; the people would insist upon a direct system of relief from the grievances they suffer. From this mode of conducting the Association, the real friends to reform were obliged to differ with them in almost every thing they did. But it was not against doctrines of reform that the proclamation pointed, for what they heard most of now-a-days, was not a wise, temperate, and salutary reform, but a total subversion of all Government, here and every where else ; and he declared he had no doubt but there were foreign emissaries hired in this country for that purpose, and he really believed that Paine came under that description.

At any rate he was warranted in saying so from his second book, where, amongst other wild and dangerous doctrines, he says, that the navy of this country, to which it owes so much of its security and prosperity, should be done away. He again maintained his consistency, by wishing for a temperate reform, though not at the present time, and concluded by giving his hearty support to the proclamation and address, as necessary and wise measures.

Lord HAY approved of the proclamation, though he had not the good fortune to agree in approving the general conduct and measures of Administration. They would have been guilty of neglect, had they not taken this step, not only when such publications were circulated, but when societies met, and daringly avowed and recommended to the people, principles subversive of all regular and established Government.

The Earl of SUFFOLK supported the proclamation as necessary and proper.

The Duke of PORTLAND said, that he must always feel hurt on any occasion where he found himself obliged to differ from those whom he generally had the happiness and honour to act with, and with whom, on account of their great talents and many virtues in public and private life, he trusted he would long continue to be connected in bonds of the strictest harmony and friendship. Having premised this, it became him to state his reasons for approving of the proclamation, and giving his assent to the address. He approved of it, not as calculated to sow distrust and division among those with whom he had the honour of acting on public affairs, but at a time when many speculative doctrines were abroad, as calling on men to be on their guard against being inconsiderately carried away by a spirit which no man revered, or wished to cherish, more than he—the spirit of liberty.

Earl SPENCER thought the proclamation a necessary measure, and being a professed admirer of the constitution, considered every attempt to innovate upon it as dangerous, for he was sure that no constitution could be framed so well calculated to preserve to us that happiness, and those inestimable blessings which we at present enjoy.

The Marquis TOWNSHEND said, My Lords, it is my custom to detain your Lordships but a short time; and the pre-

sent subject, I conceive, will admit of it ; for I do not think I ever knew of more absurdity than the present doctrines contain, which have produced such alarm, and which have occasioned this proclamation. They defeat themselves ; and when we consider that they are renounced by that body called the Whig Club, (of which, though I am no member, I hope I may assert, from principle and conduct, an hereditary claim) and when I reflect, that even from the latter society, some of the most distinguished characters for constitutional principles and property have differed, there is a disunion on this tremendous subject, which must defeat the bad consequences apprehended ; but, my Lords, I will just animadvert shortly on what we consider as the most captivating part of the intended reform—annual Parliaments, and that every individual is to have a right in the election of representatives. The propounders have not reflected upon the time which the deciding contested elections requires ; it is now three years of this Parliament, and they are not determined. This impracticability is the principal argument for septennial Parliaments ; and if the additional number of voters proposed was to take place by this improvement of the constitution, an annual Parliament, we should have no Parliament at all, but a democratic Government in the streets. But let us advert to what the present freeholders, farmers, and industrious manufacturers, who have acquired by industry this constitutional privilege, would think, by being equalized with the lowest class of the community, many of whom, though they can neither write nor read, are yet to discern the qualifications of their representatives. Another mode of reform, is a division of the large farms into small ones, and restoring them to their original state of poverty ; of course, as we know that the improvement of land is produced by a system of alternate cultivation and manure, this is to render things cheaper. In this case, the leases with the farmers are to be broke, and they are to be reduced to husbandmen. The last capital absurdity which must strike every body, is an equalizing of property, by which all emulation, and every motive to industry or education is suppressed. I will dwell no longer on this subject, but only repeat that these absurdities being, as I said, renounced by the respectable Members of the associated reform, I could only have wished (as I am far from thinking

but that some parts of the superstructure of this excellent constitution might be improved, though I by no means wish to tamper with its foundation) that gentlemen of this society, 'respectable for their talents, property, and independence, had brought forward for the public consideration its defects, and the remedies they proposed, instead of inviting the discussion at large of every indigent, illiterate, and discontented mind, the prey of ambition, or political enthusiasm, from whose influence nothing can be expected but such a scene as now prevails in a late rival nation. Reform has had its advocates also from persons in high offices here, and at a proper season and hour of tranquillity and deliberation, may be highly beneficial. There is but one article of the present propositions of reformation, which has any claim, in my opinion, to our respect; that is, the complaints of the dissipation and bad example of the higher ranks, whose extravagance and abuse of the Sabbath, by festivities and gambling, I must agree, however I may offend thereby, that such examples, whilst we execute the laws upon our inferiors for tippling on a Sunday in an alehouse, must be provoking to them, and detrimental to the community, and I wish it were noticed in the proclamation. If this proclamation be intended to warn the promoters of confusion against the consequences which may follow, it has my concurrence; for, after the mischiefs to be expected from this tumultuous mode of reform, it is but right its promoters should know that they are not to expect the same lenity. I must observe upon this proclamation, that His Majesty requires all Chief Magistrates, Sheriffs, and Justices of the Peace, to suppress all riots and tumults attempted to be raised on any pretext whatever. Now, my Lords, it is with some satisfaction I hear that they are to have the power to call in aid the military force, if the emergency requires it. The *posse comitatus* was the original and constitutional resource on these occasions, but that neither is what it was, nor what it ought to be; if the High Sheriff, or Magistrate, with five or ten constables, cannot repel a number of insurgents, or perhaps he may procure some more aid, but nothing adequate to those extensive riots which happen in large manufacturing towns, he may act, but the consequence may be, the destruction of his house, and perhaps family, as well as the devastation of what he attempts to protect, before he

can be supported by the military, if he is to send to Government for it—two or three days lapse, during which the plunder takes place, and on the arrival of the troops the rioters disperse, frequently with impunity, or at most not above two or three of the culprits are executed; whereas, on the contrary, if the Magistrate is authorised to send for the troops immediately, he has only to place himself in front, with the civil officers, and read the proclamation, whilst the military may surround the most audacious; and act as the necessity requires. I am happy to be informed, my Lords, that at this period, when so much is required from the Magistrates, that this essential support is given, upon their making the application, and stating, under their hands, the situation and emergency. The late havock at Birmingham, and, above all, the disgraceful and tremendous situation of the metropolis, when the property and lives of the citizens, and the honour of both Houses of Parliament, was at the mercy of the rabble, will never be forgotten; when the Guards were encamped in one Park for the protection of the Palace, and your Militia in the other for that of the Capital.

The Earl of ABINGDON said, he would support the proclamation, because he thought it was right, and could not be attended with any bad consequences. He gave notice of some motion which he meant to make next session, relative to reform, though not in the way proposed by the Association.

The Marquis of LANSDOWN said, he was astonished at the perusal of the proclamation, and expected to hear some reasons assigned for a measure so unprecedented. He did expect to hear it alledged that Magistrates had been found culpably negligent of their duty, and that the Ministers had taken measures to punish them for their neglect—or that the municipal power of the country was so much decayed, that time and the progressive change of all human things had rendered it inefficient, and that a substantial remedy was intended to be applied. Something of this sort he expected to hear; but no such reason was assigned for it in the first instance—no such measure was suggested to follow it up. To trust the peace of the country and the suppression of riots in all cases to military aid, was neither wise nor dignified. The army was a fit and worthy instrument of defence, when we were all united against a com-

mon enemy; but in internal disturbances it was both dangerous and insufficient. It was dangerous, because where the people were tainted with a spirit of insurrection, what security had they that the military might not be so too? Where they were greatly divided in opinion, who could answer for the conduct of the army, or even promise what side it would take? It was insufficient, because it never could be so numerous as to cover all parts of the country at once, and while it was employed to quell a riot in one extremity of the kingdom, the same spirit of insurrection might break out in another. To keep men dependant on a military force for the protection of their lives and properties, was a dastardly expedient. It was impossible to say to what an abject situation men might be reduced if kept unarmed, if accustomed always to look to others, for that which they ought to be enabled to do for themselves. He should therefore have expected that when apprehensions of popular disturbances were so alarmingly stated, wholesome municipal constitutions would have been given to Birmingham, Manchester, and other populous towns—not such constitutions as the new Police bill was to establish for Westminster—God forbid—but such constitutions as would enable those who had property, who had an interest in the public peace, to defend it, under proper authority, against all who wished to plunder the one, or disturb the other. This was no doctrine of wild democracy—it was a doctrine set forth by an aristocratic author, M. D'Argenson, in a book which, to his surprise, did not appear to have been translated into our language. The author, who had an employment in the police of Paris, and might therefore be supposed to have some knowledge of the subject, recommended this mode of maintaining the public peace. He was astonished at the mixed motives and constructive danger on which their Lordships were called upon to approve of the proclamation—much more at finding it supposed to glance at an Association lately instituted for the purpose of reform. The principles of that Association had been supported and enforced by Members of the present Cabinet. One of the most distinguished Members of the Cabinet had called upon him to run the risk of sacrificing the administration of which he had the honour to make a part, to the support of those very principles of reform. To those principles he verily believed

that administration had fallen a sacrifice. And he had too high an opinion of the person to whom he alluded (Mr. Pitt), too strong a sense of his honour, and proud adherence to consistency, to believe, that he could approve of any measure that tended to throw discredit on principles which he himself had once professed! The motive which then induced that right honourable gentleman, with whom he heartily concurred, to stand forward as the advocate of reform, was, the increased and increasing influence of the Crown. Did not that influence still exist? Was it not greatly increased? Was it not augmented by pensions in Ireland, by pensions in Scotland, by additions to the civil list, by separate provisions for the branches of the Royal Family. He was far from blaming those provisions. They were an expence to which the country would always contribute with pleasure, and with pride. Nor would he say of the civil list, as was said of the navy in the reign of Charles II. "that it was an excellent wooden leg to go a begging with to Parliament." But not only was the influence of the Crown increased in these respects to the amount of near half a million annually, but an immense addition was made to it by the whole civil and military patronage of India, that patronage itself, increased by the commutation act, and other regulations much more certain in their operation to this effect than to the benefit of the country. What then had occurred to give them confidence? That Parliament, in its present state, was in no danger from this increased influence of the Crown? Had the transactions of 1784 given any ground for such confidence? Had the late armament against Russia laid a basis for it? On that occasion it was universally admitted, and even argued in defence of the Ministers of the Crown, that they had been compelled to abandon a measure in deference to the known sense of the people, after receiving every encouragement to persevere in it that Parliament could give. Here then was a very recent instance of Parliament speaking a language directly contrary to that of the people, the strongest argument for the necessity of reform, and where was the reason for abandoning it? The times, it was said, were unseasonable. What more unseasonable than when it was formerly agitated, when Ireland was armed, and almost in a state of insurrection? He remarked on the danger of men renouncing

their principles; that Lord Bath, from being the greatest, had become, from this cause alone, almost the least considerable man in the kingdom; that from a regard to consistency, Lord Chat-
 liam had been obliged to go on with the German war, after he disapproved of it, and concluded, that the present Minister, with all his coolness, and with all his prudence, could not get rid of that for which he was once so strenuously an advocate, by pleading that the time was unseasonable. No, he must feel, if he valued his reputation, that he must continue to promote it, as he himself felt that he must support him in it. To impute improper motives to those who had now embarked in the same cause was ungenerous and uncandid. He had little knowledge of any of them but one (Mr. Grey) the son of an old and much respected friend; and him he knew to have an hereditary claim to honour and integrity, to every virtue that entitled a man to solicit the confidence of his fellow-citizens. It was cruel in those who had themselves supported the very same principles, to class such men with those who wished to overturn the constitution. It was said that there was no knowing where the reformers would stop, that if they obtained a moderate reform, they would contend for a reform indefinite, and inconsistent with the principles of the constitution. Was this a decent mode of arguing? If he was indebted to a man in 100l. would it be proper to say when asked for it, "I will not pay you this 100l. because if I do you will ask me for another; and there is no knowing where your demands will end." Surely the proper way would be to pay first what was due, and resist with firmness the demand of what was not. This he understood to be the principle of the Association, for they said that when a moderate reform was obtained they would make a stand against all farther demands. For that declaration he thanked them, and heartily concurred with them in it. A noble Duke had adverted to a former declaration of his on reviving the negative of the Crown. He was not disposed to shrink from any thing he had said on that subject. His meaning was, that the other branches of the Legislature being restored to what they ought to be, he should think it necessary to restore the negative of the Crown. Even as things now were he should advise the direct and open exercise of that negative, for which they who advised it would be responsible in prefer-

ence to the indirect, unavowed exertion of influence, to which no responsibility could be attached. He should have thought it much more becoming the dignity of the Crown, and the purity of the constitution, to have put a stop to the India bill, by a direct negative, than by such means as were pretty well known to have been employed to get rid of it. If any attempt should every be made to overturn the constitution, of which so many fears were felt or affected, he was convinced that a noble and almost unanimous concurrence of the people in its defence would effectually defeat such a wild attempt. He complimented Lord Lauderdale on his speech, with which he said, he agreed in almost every point. He observed on the dignity which the House derived from the presence of so many branches of the Royal Family, and the importance of their support, to any administration, or to any public measure; but added, that if they should set themselves in opposition to public opinion, that opinion would be asserted with greater ardour, and insisted on with more perseverance on that very account. In like manner, if the aristocracy should join themselves with the Crown against the people, the latter would only be more forcibly led to unite in asserting their own rights. He could not help noticing the contradictions that had occurred in the debate.—Some noble Lords said, the people were so happy that it was idle to talk to them of reform; others that they were so discontented, that however wise reform might be at other times, it was now pregnant with danger. Some said that they would agree with the majority of the people whenever they should apply for a reform, or even an alteration of their government; and others that they would resist innovation in whatever shape it might appear. They could not all be right, and only shewed that they had paid more attention to their conclusion than to their arguments. A noble Duke had talked of French emissaries employed to introduce anarchy into this country, and expressed his belief that Mr. Paine was paid for that purpose. If the noble Duke knew of any such persons, it was his duty to have them apprehended and punished; he would not surely wish to asperse a man who was said to be already under prosecution. Let the law be enforced against all such persons, if any such there were; but don't let their Lordships bring vague charges against the French, who had difficulties enough to struggle

with already. He trusted he should never see anarchy, or any thing like anarchy, introduced into this country; as little did he wish to see it engaged in seconding the combination of Kings against subjects, the power of arms against the progress of reason. On this subject he had never been without his apprehensions since our interference in the affairs of Holland. It was ~~wise~~ and meritorious to prevent that country from becoming the dependant of France; but when he looked at the sort of interference employed for that purpose, his mind recoiled from the view, while he approved of the end, he could not but condemn the means. In such an interference in the internal affairs of any country, he hoped this nation would never more be concerned. Let us be content with the prosperity which was pouring fast upon us, from the distresses and confusion of other countries; let us not seek to augment it, by indirect means. If seditious writings were disseminating among the people, in God's name let them be prosecuted. We had got, in the opinion of a noble Lord, all doubts removed on the law of libels, he wished he could say as much, and that the bill to that effect were fairly through the Committee, and the House, as un mutilated as it ought to be. But at all events, let the law have its fair and unbiassed course. Let them not, by proclamations and addressees, brand writings as seditious, on which no such judgement had been pronounced. Let them not do that for which a person had been lately convicted and imprisoned. Let them not attempt to prejudice the minds of juries, and prevent them from giving such decisions, as their plain and impartial understanding of any paper laid before them, as libellous or seditious, would dictate. Of the proclamation be disapproved entirely. It was not calculated to intimidate, but to provoke, not to quiet but to alarm; to irritate if there was a viper in the country; if a toad, to call it forth.

Lord GRENVILLE said, it was his duty to speak, and he thought it the duty of every noble Lord in that House to deliver his sentiments upon so important a subject. He undertook to support the occasion, object, and tendency of the proclamation, but before he proceeded, he complimented highly the noble Marquis on the manner in which he opened the debate, and when added to this, he could draw their attention to that sort of countenance, which the motion had met with from

an illustrious personage, he ought to apologise for speaking at all ; such a testimony of attachment and zeal for the constitution of this country, and the prosperity of the people, must warm the breast of every Englishman who heard it, and was the strongest assurance and satisfaction to the people at large, that they might long expect a continuance of that prosperity, and those essential blessings, which they have enjoyed since the accession of that illustrious family to the Throne of England. He thought the House might be called almost unanimous on the question, and that the conduct of those, who, though not in the way of agreeing generally with the measures of the present administration, came forward with their approbation and advice, did them the highest honour, and deserved the thanks of the country. He said, on the very face of the proclamation it was evident what occasioned it ; for it mentioned that seditious writings, &c. had been industriously circulated among all ranks of people, and from the style in which they are written, are not so much an appeal to their judgement as to their passions, and have a tendency to irritate and enflame their minds. If it was asked, whether the proclamation was issued upon that contemptible, trivial, and libellous work of Paine's, he would answer—No ; for he thought it the most deficient and foolish publication that could be printed ; but there were many others in circulation, and those were followed up by societies and meetings avowedly inculcating their principles, which are nothing short of a total subversion of every known and wise system of Government : they had not even stopped here, but had disseminated their seditious purposes, by attempts to excite by hand-bills, mutiny and disorder amongst the army and navy ; when they had come to this pitch, would any man say that Ministers ought to remain inactive, or that it was unnecessary for the executive Government to interfere ? certainly not ; the danger might easily be averted in the beginning, but would prove great and serious if neglected.

There was one point more to be noticed concerning those proceedings, and that was, their corresponding with foreign countries, which, in his opinion, aggravated the crime. He did not wish to introduce the French revolution into the debate ; but he freely gave his opinion, that no profit could be derived to this country from any interference in the affairs of

France. He mentioned, that as far as he was concerned in advising the proclamation, he would contend for the wisdom and necessity of the measure, and highly proper to come from the King, as father of his people; and this he thought was sufficient to vindicate the measure from the aspersions of its being a party trick to disunite friends who were generally the opposers of Administration. If the question was asked, whether it was meant against the Association of which a noble Lord was a member, he would answer, it was not; for he had not seen in any of their writings or declarations yet, any thing that could come under the description mentioned in the proclamation; at the same time he must say, that however proper their motives might be, their conduct had a dangerous effect, by giving boldness and encouragement to others not so well disposed, who, under the sanction of agreeing with them, had purposes of a very different nature in contemplation. He then replied to what had been said respecting the inconsistency of his friends on the subject of reform. The noble Duke had fairly defended himself, but his honourable friend had been attacked in his absence; and here he went into a defence of Mr. Pitt's consistency, similar to that which had been employed by the Duke of Richmond; they were both pledged to a temperate reform, when the time came that it could be effected with safety to this country, which this was not. He then dwelt for some time upon the contents of a paper which had been circulated about Yarmouth, and over the county of Norfolk, holding out to the labourers and manufacturers, that if a reform in Parliament was effected, their taxes would be taken off, and their wages and price of labour raised; and if these were not alarming publications to be dispersed in a manufacturing town, he did not know what were. These reformers likewise indulged themselves with the hopes of introducing an Agrarian law, by dividing the land equally. He by no means ascribed these doctrines to the Association, but knew they were propagated by people who pretended to have the same object in view; and he owned he had entertained fears of this sort from the first notice of the Association that was given. He said, the proclamation was certainly for one purpose for which many had blamed it; it was intended to excite alarms amongst the people, and to caution them against receiving such doctrines, as well as to put

Magistrates, and those in authority, in mind to do their duty. It recommended very properly confidence in Parliament, and calling upon Magistrates to assert the executive Government, with information that there was nothing in that duty which ought to draw upon them the opprobrious names of informers and spies ; if any thing could render the system of espionage necessary, it would be the doctrines of those who opposed the proclamation. Upon these, and a variety of other grounds, which he recapitulated at great length, he opposed the amendment, and was for the original address.

Lord RAWDON felt it his duty to deliver his opinion on the present question, but in so doing, he trusted that he should not find it necessary to detain their Lordships very long, as the subject had, in his opinion, received an ample discussion. His Lordship thought the question ought to be argued on its own grounds, without any respect to what opinions might have been entertained on it by individuals, however high their authority. He went into a short history of the origin of parliamentary representation, in which his Lordship evinced an intimate knowledge of the history of this country ; the object of this detail was, to shew that this representation was obtained by association ; but he begged leave, at the same time, to call the attention of their Lordships to the circumstances under which the Barons united on that occasion ; in all questions of this nature, times and circumstances were to be weighed and compared with wisdom and moderation ; under this impression, and on a due comparison of circumstances, he found himself authorised to vote for the address ; it was a sensible saying of an Irish Judge, called in those days a Brehon, when he was consulted on a change in the oral laws of that country, that it was better to leave the people in possession of those laws, with which they were acquainted, than to introduce those with which they might perhaps never be acquainted.

He did not doubt but several sober-minded persons might have been induced to think less lightly of the state of representation from the circumstance of the Russian war ; but notwithstanding he was averse to that proposition, particularly on the ground of that question of blind confidence with which it was carried, he would candidly confess that it ought not to have all

that weight in an argument of the nature the House was then called upon to discuss.

He did not think that a reform in Parliament, if ever obtained without any dangerous consequences, would have all the good effect that was held out as the necessary consequence of it. He conceived, if any step was necessary, that it should be something that would lead to a greater attention in Parliament to the voice of the people out of doors—for he was firmly of opinion that the sentiments of people duly collected ought to have their due weight in that House and elsewhere.

His Lordship was of opinion, that the best mode of counter-acting any writings against the constitution would be to publish to the subject at large the consistency and excellence of that constitution, and at the same time to convince the people of that excellence by the purest administration: as long as those good effects should be felt, all those writings would lose their effects, the poison of the theories which they held out would meet with a successful antidote in the practice of the Administration. It should be the practice of executive Government to convince the people, that their interest and that of the Public were inseparable; that it was not for the sole benefit of the first Magistrate, that limited monarchy was instituted; but that the chief end of the institution was for the public benefit. When a melancholy event rendered the agitation of this question necessary, he had pressed this argument with much earnestness to their Lordships; he warned them to take care, lest, that by attempting to cripple the prerogatives of the Crown, they should not hold out an insinuation to the people, that the office of first Magistrate was instituted solely, or in a very considerable degree, for the advantage of that first Magistrate; his Lordship adverted to the constitutional language, which their Lordships had the pleasure of hearing fall that night from the lips of an illustrious person (the Prince of Wales); he thought that language must give a very considerable degree of satisfaction to every person who was well affected to our present happy form of Government. Several persons had signed their names to the Association, who were connected with that illustrious personage just alluded to; this was an additional proof of the freedom with which they acted under that connection, which might be supposed to influence their conduct.

A noble Marquis (Lansdowne), had stated, that by an union of opinion, in support of the address, it might seem to the Public, that that House supported it as an aristocratic body, but he could not bring himself to be of that opinion. He did not see how they could be called an aristocratic body on that account, in the general acceptance of the word aristocracy.--- He knew of no pre-eminence the Members of that House claimed over their fellow-subjects, unless it was in the discharge of their duty.

He hoped that the Members of the Association would withdraw themselves, when they reflected on the consequences; it could not be any manner of reproach to them; the principles on which they had united were such as moderate men might subscribe to, if the limits could be ascertained with certainty, but this was more than the Association could do; nay, they did not themselves pretend to it; they professed to follow, not to force the public opinion, consequently they could not say, with any degree of moral certainty, how far, consistently with their own resolutions, that public opinion would lead them. At present, he was certain it would not lead them far; he thought they ought to stop, when they knew where to stop, with credit to themselves, and with safety to the public tranquillity.

Lord PORCHESTER said, he must differ in this question from his noble friend (the Earl of Lauderdale): the proclamation did not at all refer to him, nor to those with whom he was connected. His noble friend thought there was no danger.— He could not help being of a very different opinion. If such opinions as had been lately propagated in this country had been productive of so much anarchy and confusion, and of so much misery and distress in a neighbouring kingdom, which the inhabitants of Britain had beheld with horror and concern, how could any man prove that the same opinions might not produce the same effects in this country? It was impossible. He believed the good sense of the people of this country would prevent them from ever going to very great lengths. But when once the passions of men were excited, and a spirit of reform had once fairly taken place, who could say to the waves of the sea, “Hitherto shalt thou go and no farther.” He knew of no such power in this country, and therefore it was extremely

material that every man in the kingdom should be put upon his guard.

Lord STORMONT said, if he had spoke earlier in the debate, he might have gone into some of the topics which had been more ably handled by the honourable Secretary of State, but which he had the vanity to say had occurred to him.

He should not touch on any of these particulars, and should detain the House but a few minutes. It had been stated, that there was nothing in the present state of the country to alarm any persons but hungry courtiers and those who lived on the plunder of the people. This, his Lordship completely refuted, and shewed, in the clearest and most distinct manner, that not only hungry courtiers, but every man of property, and every man who had any thing to lose, was anxious to preserve our constitution, under which we enjoyed so many blessings, rather than to run any risk, by venturing on a reform suggested by wild theories and speculations. His Lordship concluded with declaring, that he decidedly and clearly approved of the address.

Lord KING adverted to the riots in the year 1780, and said that the noble Lord (Lauderdale) must feel himself very much hurt by this circumstance.

The Earl of LAUDERDALE explained, and said he did not feel himself hurt. That nothing that had been advanced that night, touched upon any argument that he, or those who were connected with him, had brought forward. His reason for rising was to reply to the Duke of Richmond, who had not said one word that tended to clear himself or Mr. Pitt from the charge of inconsistency which he had established against them.

Lord Lauderdale's amendment was negatived without a division. The original motion was then put and carried.

Protest against the Address of the House of Lords to His Majesty, on the Proclamation.

Because I think the honour and dignity of Parliament trifled with, by a solemn call, without any adequate cause, and upon slight pretences, to make unnecessary professions of attachment to the constitution, and of zeal for His Majesty's Government, and to concur in applauding His Majesty's Ministers for advice.

ing this extraordinary measure of a Royal proclamation, and a recurrence to the authority of Parliament ; a measure not called for, and which appears to me much more calculated to awake causeless apprehensions, and excite unnecessary alarm among a people affectionate to the King, and obedient to the laws, than to answer any of those salutary purposes for which alone Ministers should presume to use the Royal name and authority.

Because those writings which His Majesty's Ministers now consider as likely to disturb the public peace, and excite dangerous tumults, and of which the prosecution is, on a sudden, deemed by them indispensable to the preservation of order, and the security of Government, have been permitted for a considerable time past to be openly, and, as is asserted, industriously disseminated through every part of the kingdom ; and, therefore, if the principles thus propagated be so subversive of all order, and destructive of all Government, and are at the same time so unfortunately calculated to make a rapid, alarming and fatal progress in the minds of a peaceable and enlightened people, as Ministers have, in debate, maintained, it would well become the care and wisdom of Parliament, instead of committing its authority in the measures of executive Government, and taking part in the ordinary execution of the laws, to inquire why so important a discovery was not made at an earlier period, and why the Ministers have so long permitted the salutary terrors of the law to sleep over offences, the prosecution of which so highly imported the public safety.

Because, if it be expedient to punish the authors and publishers of seditious writings, I think it the province of the executive Government to determine upon that expediency, and to put the law in motion ; and I cannot but consider as pernicious in its example, and unconstitutional in its principle, the present attempt made by the Ministers to shelter themselves, justify their conduct, and cover what, according to their argument, has been their criminal negligence, by a measure of Parliament. I believe the laws to be sufficiently efficacious for the punishments of such offenders as are described in the Royal proclamation, and I see no reason why Parliament should take from His Majesty's Ministers any part of the responsibility which appertains to their stations, of advising the Crown, and directing its Law Officers as to the fit seasons and proper occa-

sions on which any of the law, for preserving the public peace should be enforced ; nor can I observe, without expressing my marked disapprobation, that the confidence which the Public still place in the wisdom and integrity of Parliament, notwithstanding all the attempts made by the present Ministers to destroy it, is insidiously laid hold of by them to create public prejudice, and excite public indignation against those who are represented as obnoxious to the laws, and objects of prosecution. A sense of justice might have taught the Ministers, that to fair and impartial trials, uninfluenced by any previous declaration, unprejudiced by any previous interference of Parliament, even the authors and publishers of those writings that have at last awakened the attention of Ministers, are entitled ; and a sense of decorum should have restrained them from lessening the dignity, and committing the honour of Parliament, by making it, indirectly indeed, but, to the common sense of mankind, obviously, a party in public prosecutions, which Parliament is thus made to sanction and direct, and on which this House, in the highest and last resort, may have to sit in the impartial and uninterested, but awful, character of Judges.

Because, in this measure by which Ministers in effect confess and record their past inattention to the dangers which they now deprecate, and their present inability to discharge the ordinary duties of their station without the extraordinary aid of Parliament, the Public cannot fail to perceive that weakness and inefficiency in His Majesty's Councils, which are more hurtful to the true interests, and more derogatory from the just authority of Government, than any imaginary progress which, with great injustice to a loyal people, Ministers attribute to the principles asserted in the writings of which they complain.

Because, when I consider how long the Ministers have viewed with unconcern the circulation of those opinions, at the consequence of which they now affect to be alarmed, and when I recollect that of all those societies for the purpose of obtaining a reform in the representation of the people, and mentioned in the debate, one only, is of recent origin, I have but too much reason to believe, that under whatever form they have disguised their design, the real object of Ministers has been to subject to suspicion, and distrust the principles, misrepresent the views, and calumniate the intentions of that Association of respectable

persons lately formed for purposes the most virtuous and constitutional, upon principles the most pure and disinterested, to be pursued by means the most legal and peaceful; wielding no weapons but those of truth and reason; using no efforts but those of argument, unsupported by party; appealing only to the sense and judgement of a public deeply interested in the objects of their pursuit, and not presuming to demand any personal credit but what may be derived from their steadiness, consistency, and integrity. This society appears to be the only one which has excited the jealousy of those Ministers from whom justice has extorted an admission in debate, that nothing offensive, or even improper, has proceeded from it. Of those Ministers, some of whom have themselves engaged, but to a much greater extent, and upon much broader principles in the prosecution of the same general objects, the attainment of which they declared not only indispensable, but alone capable of preserving the liberties of the people, and perpetuating the blessings of the constitution; but which objects, with the peaceful possession of power and emolument, they have long neglected and lost sight of, and now, at last, in the face of the Public, in defiance of the most solemn engagements, unblushingly abandon. Such are the Ministers who have presumed to use the Royal name and authority to a proclamation, by which insinuating the existence of dangers, of which even some of their most confidential friends have declared their disbelief, they vainly hope to divert the attention of a discerning public from their apostacy from principles, and their dereliction of opinions which paved their way to power, and for which they stood deliberately and repeatedly pledged to a generous, confiding, and, at last, deluded people.

Because, if the objects of that Association thus particularly aimed at by His Majesty's Ministers were not expressly justified by their former principles and professions, as the act itself of associating to pursue those objects is sanctioned by their former conduct and example, I should still see nothing in it to discommend, but much to applaud. A moderate and temperate reform of the abuses of the constitution is due to the people, who being on their part, just to the monarchical and aristocratical branches of the constitution; who commit no invasion of the rights, and seek no abridgement of the powers of either,

are entitled to have their own share in the legislation of their country freed from the unjust usurpation of others, and to possess uninvaied, and to exercise uncontroled by the other branches of the Government, those rights, which this happy constitution in the matchless excellence of its principles has solely and exclusively allotted to the people. A reform of such a character and description may lessen the means and diminish the opportunities of corrupting legislation both in its source and in its progress; it may reduce the influence by which unconstitutional Ministers preserve their power, but it will save the nation from their profusion, and perpetuate that constitution which all equally profess to venerate. Such a reform, I believe, cannot with perfect safety be long delayed—the more readily and chearfully those rights which belong only to the people, are restored by those who at present in too many instances possess and exercise them, the more firm and established will be the present happy form of our Government, the more safe from risk and danger will be the just prerogatives of the Crown, and the peculiar acknowledged hereditary privileges of this House.

LAUDERDALE.

Friday, 1st June.

The order of the day for the House to resolve itself into a Committee on the Libel bill, having been moved and read, the Lord Chancellor left the woofack, and Lord Cathcart took his seat at the table.

The first clause that follows the preamble having then been read a first time, •

The LORD CHANCELLOR said, before the clause was read a second time, he wished to submit to their Lordships the necessity of so amending the bill, as to make it conformable to what its principle, if any principle it had, pretended to be.—His Lordship then contended for the doctrines he had stated in the former debate on the second reading of the bill; justified the learned Judges for the opinions they had delivered; asserted that the bill would go out of the House, a parliamentary condemnation of the opinions and rules of practice which they had entertained and acted upon in pursuance of the example of

their ancestors, who had for ages entertained and acted upon the same; and that the effect of the bill, with respect to them, would be the sending them down to their circuits this summer, to put the King's proclamation in force, loaded with the reproach of having mistaken and misapplied the law of England with respect to libels, and a variety of other analogous points of legal dispute that came before them.

He next discussed the distinction between the doctrines of law which he had ever been taught to believe to be sound doctrines, and those insisted on by the supporters of the bill. He cited precedents from the law book; put the case of the trial of an assumpsit, as he had done before; and recapitulated the whole of the arguments that had been urged by Lord Kenyon and himself in the course of the debate. In the mention of the case of Owen, he said, Mr. Ford, a lawyer of high character and great ability, had lent himself so wholly to his client, that he addressed the jury in an extraordinary manner, and insisting that the fact and certain other points were absolutely necessary to be proved, which every professional man knew were not necessary to be proved at all, the jury found a verdict of Not Guilty; on which the Judge asked, if they did not believe that the fact was proved? when the jury, ashamed to confess that they did not, said, their verdict was Not Guilty, and that verdict they would abide by.

His Lordship said, he was unfortunately old enough to remember that trial, though not then at the bar, and he well recollected, that the conduct of Mr. Ford was in Westminster Hall universally reprobated. In particular, in a conversation which he had held at the time with Mr. Wilmot, afterwards Chief Justice Wilmot, and another Counsel of eminence, they shook their heads, and expressed surprise that a man so conversant in law as Mr. Ford, should have been led so to influence a jury. He termed the arguments that had been advanced in opposition to those used by himself and Lord Kenyon, very extraordinary arguments indeed.

He observed upon several parts of them, and particularly took notice of Lord Loughborough's declaration, That *libel* was an undefined word, not known by the criminal laws as a technical term, and always explained by an inuendo, as seditious, false, scandalous, &c. He was a little surprised at this, as

Lord Coke had both defined and described it. Libel, according to Lord Coke, was an abridged translation from the Latin *libellus famosus*, meaning *scriptura famosa*, or writing fixing an imputation of a scurrilous sort upon another man. But even if libel had been a word of art or technical term not mentioned in an indictment or information, that amounted to nothing: as in the case of larceny; every man knew what larceny meant, and yet the word larceny never appeared in an indictment.

As the bill stood at present, it was negative merely, and only directed the Judge what he should not do; whereas, to make out its principle, it ought either to declare or enact what he should do, and not leave him at a loss as to the duty that was expected at his hands. Their Lordships, he insisted, were bound, since they took upon them to give new powers to juries, to instruct the Judges how they ought to act; and therefore, on the mere ground of making the bill consistent, he moved that the words "that the Judge state to the jury the legal effect of the record," be inserted in the clause.

Lord LOUGHBOROUGH said, he had listened with the utmost attention to all that had fallen from the noble and learned Lord, but could find nothing more in his speech than a repetition of arguments, references to cases, &c. which had been stated, and replies to them at least attempted to be given, in the preceding stage of the bill, when its principle was properly the subject of discussion, and when it had been very fully and at great length debated; excepting a few observations on what had fallen from several noble Lords who had spoken in the debate, after the noble and learned Lord on the woolfack had sat down, and from himself especially.

Having taken the liberty of intruding upon a considerable portion of their Lordships' time in the former debate, and delivering his sentiments very much at large, he could not but regard it as a measure of great impropriety, considered as with respect to himself, were he again to enter into a discussion of arguments, that not only did not refer to the stage of the business in which they then were, but which had been fully discussed already. He should not therefore say one word to far the greater part of the noble and learned Lord's speech. As to the present amendment, the only meaning of the words that

he knew of, was to give back to the Judge that right and authority to direct a jury, and take the framing of their verdict into his own hands, which it was the principle of the bill to take from him. If it meant no more than to introduce a clause, stating that to be the duty of the Judge, which was already the duty of the Judge in all cases to do, viz. to state to the jury what the law was, and to let them apply it to the fact, it was superfluous; because, although, in his opinion, his Lordship said, it had been perfectly unnecessary to enact it, a provision was made for it in the very next clause.

The Lord Chancellor explained, and Lord Loughborough replied.

Lord KENYON said, unfortunately in the late debate he had given offence, where he had not intended the least offence in thought, word, or act, and had received a rebuke from a quarter, whence he, from his habits of life, least of all expected one. He hoped therefore that he should not again fall into a similar error; but he desired to know, how he was to act when such and such cases came before him as a Judge. He stated particular actions, and subjects of civil and criminal litigation.

Earl CAMDEN said, nothing could be more disorderly than to go back to the principle of the bill, and to refer to former debates. It was a practice that ought never to obtain, and he would endeavour to avoid it. He rose merely to express his astonishment at the speech of the noble and learned Lord who sat near the noble Lord who had spoken last (the Lord Chancellor), which had consisted of a variety of arguments, that had been replied to so fully on preceding discussions of the bill.

He must contend, that the jury had an undoubted right to form their verdict themselves according to their consciences, applying the law to the fact; and if it were otherwise, he said, the first principle of the law of England would be defeated and overthrown. If the twelve Judges were to assert the contrary again and again, he declared he would deny it utterly, because every Englishman was to be tried by his country; and who was his country but his twelve Peers, sworn to condemn or acquit according to their consciences? If the case were otherwise, and the opposite doctrine were to obtain, trial by jury

would be a nominal trial, a mere form ; for, in fact, the Judge and not the jury would try the man.

He would contend for the truth of this argument to the latest hour of his life *manibus pedibusque*. With regard to the Judge stating to the jury what the law was upon each particular case, it was his undoubted duty so to do ; but, having done so, the jury were to take both law and fact into their consideration, and to exercise their discretion and discharge their consciences. With regard to an action for a libel, the case was there ten times stronger ; for, on an action, damages were laid in the declaration ; and how could a jury, as honest men, give damages, if they did not take the whole of the case into their consideration ? Upon what other principle could they possibly decide ?

As to the doubts started by the noble and learned Lord who presided over the Court of King's Bench, his Lordship protested he had endeavoured to examine the matter deeply and closely, and he could not perceive the smallest difficulty, nor where a Judge could possibly meet with any. With respect to the amendment proposed by the noble and learned Lord from the woolpack, it struck him as an attempt indirectly to convert the bill into the very opposite of what it was intended to be, and to give Judges a power ten times greater than they had ever yet exercised.

The Marquis of LANSDOWNE said, he rose not to enter into a revision of what had been amply debated, and after full discussion determined by a majority of their Lordships, on a former day, nor did he mean to go back to any expressions of a personal nature that might have fallen in the course of a preceding debate. With respect to the former, he had little encouragement to do so, even if it were regular and orderly, after their Lordships had heard the debate, and seen two great and eminent law Lords, opposed to two other law Lords equally high in professional rank and character, rise again and again, and declare, that they were so perfectly puzzled with the arguments of each other, that they could not comprehend what they meant.

With regard to what a noble and learned Lord had said, at the beginning of his speech, with relation to a rebuke he had received in a former debate ; as he had not explained to what

expressions he alluded, it was impossible for him to guess, whether the noble and learned Lord referred to any part of the speech of a noble Earl near him (Lord Stanhope), or to any expressions that might have fallen from him. If he alluded to him, he must say, the noble and learned Lord had misconceived him most grossly. In what he had said, he had meant nothing personal, but had applied his observations to the profession and the office of the noble Lord, not to him individually and in his personal capacity. He had said nothing warm, till he had been most irksomely interrupted from a quarter, from which he might well say his conduct on more than one occasion (which he could not then go into) well entitled him to a patient hearing. He had ever considered the law as a great and respectable profession, but as a profession to be looked at with caution and jealousy, and to be guarded against.

As to the amendment proposed by the noble and learned Lord on the woolpack, it consisted, to say the least of it, in words of superabundance, and was by no means necessary. It was, he said, the practice of Lawyers to multiply words, and to introduce them without apparent present occasion, in order that advantage might be taken of them at a subsequent period, and a construction be put upon them which had never been dreamt of at the moment when they were introduced. The words of the amendment, as the noble and learned Lord at the head of His Majesty's councils had well stated, either meant something mischievous, and contradictory to the principle of the bill, or they meant nothing: if the former, they were inapplicable; if the latter, they were unnecessary. He spoke, his Lordship said, as a man of plain sense, and as an unlearned man. That House was a house not of Lawyers, but of lay Lords, and was fully competent to comprehend as much of law as was level to a plain understanding.

The constitution of England, he must remind their Lordships, required no more from them. Juries also, who were to enforce the law, and to acquit or condemn their fellow subjects according to law and their consciences—they were likewise unlearned men. He knew it to be the practice of Lawyers to wrap up mischievous meanings in forms of words; and it was the duty of their Lordships, as a branch, and an important branch, of the Legislature, to guard against it. He

for one stood there as a trustee for the people of England, inasmuch as their rights were implicated in his own : and if ever there should arise a contest between the great Lawyers of that House and the people of England, the people of England should always find him ready to stand up as their advocate, and to defend their rights.

He repeated what he had before asserted, viz. that, in what had fallen from him in a former debate, he meant no personal offence whatever, but directed what he had said solely at the office and profession of the noble and learned Lord ; and he concluded his speech with saying, that the liberties of this country depended, however unfashionable the phrase, on an unlearned House of Lords, and an unlearned Judicature.

Lord PORCHESTER argued against the necessity and propriety of the amendment, and contended that it was inapplicable, as it would operate to reverse the principle of the bill.

Earl STANHOPE rose to call the attention of the Committee to the words of the amendment, and, by a reference to the next clause, proved that they were unnecessary. His Lordship also noticed what had fallen from Lord Kenyon ; and said, if the noble and learned Lord had alluded to any part of his speech in a former debate, he could only say, he had meant no personal offence ; that whenever he heard what he conceived to be an erroneous opinion, he would state the error of that opinion, and do his duty by detecting fallacy wherever he discovered it.

The amendment moved by the Lord Chancellor was rejected.

The LORD CHANCELLOR then wished to know whether the noble and learned Lord would consent to a clause being inserted in this bill to do justice between the Public and defendants prosecuted for libels. This clause was to grant a new trial, if the Court should be dissatisfied with a verdict given for the defendant.

Lord CAMDEN said, " What ! after a verdict of acquittal ? "

LORD CHANCELLOR. " Yes. "

Lord CAMDEN. " No, I thank you. "

The bill then passed the Committee.

The House adjourned.

Saturday, 2d June.

As soon as prayers were over, without proceeding to any other business, their Lordships adjourned to go up with the address to His Majesty.

Tuesday, 5th June.

Heard evidence at the bar respecting the slave trade. Witnesses and Counsel being ordered to withdraw,

Lord GRENVILLE observed, that from the present state of the session, it was not probable that this business would be brought to a conclusion. There was nothing more clear, than that their Lordships ought to take the subject up early in the next session, and he trusted that was generally felt. But he should not make any motion on that point now, because it would deprive him of an opportunity of bringing the subject forward this session, if any unforeseen accident should protract it, of which, however, he had not the least idea.

Lord RADNOR observed, that there was a bill upon the table of that House, a bill ready for the Royal assent—a bill for the regulation of law respecting vagrants. One clause in it subjected soldiers and sailors, dismissed from the service, who should be found begging, and who, in certain circumstances, must inevitably do so, to the penalties attached to the character of a vagrant. To obviate this cruelty, he had a bill, which he moved should be read.

This was done, and the bill was ordered to be printed.

Lord GRENVILLE said a few words, which seemed to favour the principle of the bill.

The Earl of LAUDERDALE said he had no objection to the principle of the bill. On the contrary, he thought the Public and that House indebted to the noble Lord for his assiduity and good will; but he doubted whether that House could entertain this measure, without infringing upon its rules and order of regularity. It was a bill not to repeal a known law, not to show that the House had repented of any step they took,

after they had sent any message to the Commons; it was, in fact, a motion for the repeal of a bill that was not yet completed, that had not received the Royal assent—it was for the repeal of that which was not law.

The Earl of MORTON suggested the possibility of the present bill being so framed, as not to appear to repeal any thing, in which case the difficulty of the point of order would be avoided.

Lord GRENVILLE moved the order of the day on the bill for the farther increase and preservation of timber within the New Forest, in the county of Southampton; and for the sale of rents, and the enfranchisement of copyhold tenements in the said Forests.

Lord PORCHESTER opposed the bill, and entered into its principle and probable tendency, making many forcible observations on each, as well as the clauses of it, which of themselves he regarded as totally at variance with the professed intention of those who framed the bill, and at variance too with the principle of the bill itself. He was very severe on Mr. Rose, and said it was a bill framed purely to serve him. He hinted at the conduct of that gentleman in the Westminster election, at his vast power and influence in the county of Southampton, and the manner in which he made use of them both. He observed too on the probable effect of this sort of patronage to an individual, who had already a great deal too much. An individual, who held places of such emolument, one of which was clerk at the table of that House; but that office was filled in a manner that gave their Lordships no reason to regret the absence of Mr. Rose, Secretary to the Treasury. After taking a comprehensive view of that subject, and dissenting from the bill in all its provisions, as well as the general principle of it, he concluded with moving, by way of amendment, “That the farther consideration of the bill be postponed until this day three months.”

The Earl of CARLISLE also disapproved of the bill, and paid a handsome compliment to Mr. Cooper, who did the duties of the clerk at that table, instead of Mr. Rose the Secretary of the Treasury, who held the office, and received the principal emoluments of it, and for whose interest the bill in question seemed chiefly to be framed. He regarded the present

bill as a measure that could fairly be said to be neither more nor less than a job, under the pretence of providing timber for the Royal Navy, and it was under that impression, that His Majesty had been prevailed on to assent to this measure, but his goodness and paternal affection for his subjects had been abused in this instance. The noble Earl observed, that where honourable gentlemen, or noble Lords high in office, were appointed to any particular place besides that which belonged to their immediate public duty, that place and its offices were neglected. A very recent instance gave proof of this. He meant the appointment of the noble Secretary of State to the Ranger-ship of Hyde Park, a spot which had since been so neglected as, by its appearance, to shock the taste of the elegant company which resorted to it. Quitting all pleasantry, and taking the subject up in the most serious point of view, he saw nothing in this bill that their Lordships ought to encourage for a moment.

Lord CATHCART hinted at the unfairness of attacking the character of Mr. Rose, who had no opportunity of meeting such an attack. His Lordship then defended the principle of the bill, upon the ground of the report of the Commissioners of the Land Revenue in the year 1786, and also upon the necessity of the measure, in elucidation of which, he entered into a history of the growth of timber, and of the application of it to the navy. He concluded with assenting to the bill in the most determined manner, as an object of the greatest national importance.

The Earl of MORTON supported the bill.

Lord RAWDON declared, that the word *job* was the mildest and most tender expression that could be used to describe this bill, which carried with it the greatest of suspicions with respect to its principle; nor were the clauses less exceptionable. Indeed they would of themselves form a principle that would be sufficient to overthrow the bill, even if the avowed object of the bill itself were unexceptionable. He concluded with supporting the amendment of his noble friend.

Lord ELGIN supported the bill.

The LORD CHANCELLOR said, that long before this he was in hopes he should have heard something in favour of the principle of the bill, instead of which he had heard only a

dry recital of the bill itself, and an enumeration of the opinions and resolutions of the Commissioners of the Land Revenue. In his opinion, a great deal of discussion belonged to this subject. It involved in it considerations of great moment and delicacy, affecting the constitution of this country, and especially that part of it which ought to be held in peculiar respect and reverence by that House; and he must say that he was extremely sorry that such a bill, involving such points of importance and delicacy, should be proceeded in in the last week of a session of Parliament, a season in which it was impossible it should meet a full, fair, and a candid discussion upon its principle, or upon its particular provisions; or that there should not be allowed that sort of interval that would enable persons to bring before the House such documents as would be necessary to enable their Lordships to understand the matter that was before them. He was not inclined to treat the reports of the Commissioners of the Land Revenue with levity or disrespect, but he said they had not yet finished their labours. He believed he should not say too much; there was no perfection at present in their work, and therefore he might say, that their Lordships did not yet even know the value of the property over which they were called upon by this bill to exercise a power of disposal. Properly speaking, they knew nothing of the value of the Crown lands, nor any thing of estates which were to be classed under the enfranchisement of copyhold tenements; nor did they know any thing of the rights which might be affected by the present bill. He was sorry that this bill was thus hastened forward; from the general principle, and the affected principle of this bill, a real principle he believed it had not, but he was against the affected principle of this bill. He should avoid the clauses, and confine himself, as near as he could, to the principle, as it was called, of the bill. This supposed principle went to various and to very nice discussions. The ostensible reason for the bill was, a supposed decay of some, and the deficiency of the growth of timber in the Forest, and upon which, it was said, that it was a wise step and a prudent measure to adopt the plan of the present bill, thus calculated for the growth of timber, and upon which he should make a few short observations. The evidence in this case was defective upon the part of the actual decrease of timber; and it was

on speculation that this was to be taken ; and we were told that, as a proof of it, the price of timber had been increased regularly and progressively since the year 1756, and by this species of reasoning, which, if true, would be worth nothing, the House was to be prevailed upon to adopt the present system.— They accounted for this advance in the price of timber from the various improvements and increase of our commercial intercourse, and then they built upon it immediately, and laid down plans for the complete execution of their schemes, depending on the temper, disposition, and circumstances of the people, to carry them into effect. He could not help comparing these plans to the manifesto of a great Prince, resolved on going to war, and to carry slaughter and devastation to the enemy, but forgetting that the whole of his designs depended upon something of more weight that was to follow than those manifestos, namely, supplies from the people ; so in this case, how did we know that the growth of timber was lessened, because the price of it was high ; and how did we find out that the people would be pleased to fall in with our ideas of the mode of growing timber, or that the call for it would always be the same, and the difficulty of obtaining always alike ? But supposing the necessity of growing timber, as had been expressed, then there would have followed the consideration of the state of the country. In a rich, flourishing, populous, cultivated country, timber, as a marketable article, would be dear. In a poor, uncultivated, unpeopled country, it would not be so. This was only applicable to the price of timber, and had nothing to do with the plenty or scarcity of it.

What was the true principle of the rest of the bill ? It was said to be a bill which was founded on, and formed part of a subject which had been under the consideration of the Commissioners of the land revenue. They had, it was said, examined into the Crown lands ; they had distinguished lands of different tenures, and rights of property and ownership ; demisable lands, and lands of another nature, such as waste lands, &c. On these points they were said to have given a distinct opinion. He doubted whether they understood the subject sufficiently to give a distinct and a good opinion. He maintained it as a principle that the Crown should have a landed property in this country. It was essential to the safety of

our constitution that the Sovereign should have his interest blended with, and complicated in the fate of the landed property of the country—it was the best security we could have for his steady attachment to our interests. If, indeed, we wished to regard him as a mere pensioner on the Public, as a person deriving only the interest which he had in receiving a salary, then, indeed, the view of the subject would be different, and the Sovereign would have one interest and the people another, and these in direct opposition to each other. But those who contemplated the spirit of our constitution would think otherwise, and they would see that it was essential that the Sovereign should be intermingled in his interest with the rest of the people, instead of being considered as a person receiving a dry salary, independent of the prosperity and glory, or the adversity and distress of a state. The policy of the bill in question was against the principle, and therefore in his opinion was a very unwise policy. But the whole of the bill was framed from the report of the Commissioners. Supposing it to be so, the bill must be very inconclusive, for the Commissioners themselves had in their reports stated, that they had not yet viewed the whole of the Crown lands. If that was the case, they could not be said to be competent to give good advice upon the subjects, and therefore to follow measures hinted at in such a report, was certainly very imprudent. It was creating a separate interest between him and the state. It was lessening the value of his land, and destroying the principle of his having any title to a landed property in the kingdom—the reverse of this was true policy, for it was essential that the Sovereign should have an interest in the land in this kingdom, nay, he should have the greatest interest in it. He would say that the present bill was a violation of all principle that had ever governed the law of this country, and was part of the constitution itself; and unless their Lordships were prepared to say that the King was an unfit person to hold an inch of land in this kingdom, they could not in conscience pass the present bill. He was very severe on those who had given His Majesty advice upon this bill. He took a view of the forest laws, admitted their imperfection, but maintained that this bill was worse even than their defects. He maintained that if the limited rights of common upon the New Forest were properly

ascertained, the quantity of desirable land, which would vest in the Crown, would be of great value, and was as much the property of His Majesty as the estate of any private gentleman in the kingdom. His Majesty had been imposed on in this business, and if their Lordships, who were the hereditary advisers of the King, thought fit to say, that he was a person unfit to inherit an inch of ground in this kingdom, and that his heirs were all in that situation, the question was at an end. If these things were to be thus disposed, he could not help it. He concluded with observing, that all he said was not for the sake of objecting to the bill, for in that he had no pleasure, but he resisted it because he thought it a precedent which affected very deeply the constitutional situation of the Crown.

Lord GRENVILLE disclaimed all intentions whatever of deluding the Sovereign upon this or any other occasion; he expressed great reverence, affection, and gratitude to the Sovereign, and trusted the House and the Public would give him credit for not having any intentions that were hostile to the prerogatives of the Crown. Having explained this on behalf of himself, and those with whom he acted, he entered on the discussion of the bill, and defended it as a measure of expediency and propriety.

Lord STORMONT answered Lord Grenville's speech with his usual accuracy and eloquence of diction. His Lordship decidedly opposed the bill.

Lord LOUGHBOROUGH, in a forcible and eloquent speech, supported the principles laid down by Lord Porchester and the Lord Chancellor, and made many profound legal observations, and acute legal distinctions.

The House divided on the question, That the bill be now committed;

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The bill was then ordered to be committed for Thursday.

The House adjourned.

Wednesday, 6th June.

Mr. Hastings, just before the breaking up of the Court at Westminster Hall, requested the attention of their Lordships

to a very few words: The subject on which he meant to address them, was of so much importance to himself, that he could not venture to trust what he wished to say to memory. He had set it down in writing, and hoped their Lordships would have the patience to hear it read :

“ I have already, upon former occasions, ventured to state to your Lordships the hardships which I sustained by the unexampled length of this trial, even in the more early periods of it. I mean not now to repeat them, nor will it be necessary to shew to your Lordships, how much they must be all aggravated by their subsequent extension. I merely allude to them for the purpose, and for that only, of bespeaking your pardon for the liberty I now take in praying your Lordships to allow me as much time as you can afford during this session, to hear the remainder of my defence. I should not so anxiously press this upon your Lordships, were I not assured that your Lordships have no longer any call for your attention to matters of greater importance, if any matter can exceed in its importance the course of a criminal trial, protracted to such a length of years as mine has been.

“ For my defence on the article now in evidence before your Lordships, my Counsel will desire only to call two more witnesses, selected from the survivors of a much larger number, whom we forbear to call, from a respect to your Lordships' time, and a consideration of the uncertainty of my life or theirs enduring to the end of a more complete refutation of the charge which the Commons have preferred against me. The examination in chief of these witnesses (for I cannot limit the time of the cross-examination, or answer for that which may be lost by interruptions) will not take up the compass of two, or at most three hours.

“ Two more articles will then remain. On one only will it be necessary to call any parole evidence; and for that only three witnesses; one, a gentleman of very infirm health, who was settled with his family in the South of France, but came to England in the first year of this long trial, and has remained here to this time, in yearly expectation of giving his evidence at your Lordships' bar.

“ Among the gentlemen whom I hope to be allowed to produce in evidence to the articles now under examination, there is one, who having given his attendance through a considerable part of the first year, when it became evident that he could not be called till the next, informed me that his means of subsistence, though not his patience, were exhausted, and requested me to dispense with his evidence, that he might return to his service in India. I, without hesitation, cheerfully consented. That gentleman accordingly went to India, served with credit two campaigns under Lord Cornwallis, is again returned to England, and again in attendance to give his evidence in my defence. Your Lordships will not be surprised, if I should feel a more than common anxiety not to lose a witness, whom I have recovered in so singular a manner from so many obstacles which threatened to deprive me of the benefit of his testimony, nor to lose so impressive a memorial of the extraordinary character of this impeachment.

“ It is hard, with so near a prospect of a close, to see it vanish into darkness; and another year, or perhaps other years, if I should live to see them, declined for the continuation of this trial.

“ Let me beseech your Lordships to recollect, that more than five years are already past since I first appeared at your Lordships' bar; and, I am sure, that if any one of the noble Lords, who were then living, and saw me there, had been told, if human wisdom, which is the result of experience, could have suggested such a conclusion, that more than five years must pass, ere I could obtain a judgement, he would have pronounced it against the course of nature to expect it, and have resented the supposition, as an unmerited reflection on the justice and dignity of this great kingdom.

“ In the first year, which was the year 1788, the Court which your Lordships now compose, sat thirty-five days, generally assembling at twelve o'clock, sometimes earlier, and sitting until five, and occasionally later. This year your Lordships have sat, within a week of the same period of time, only fifteen days, and have seldom been able to open the Court much earlier than two o'clock. I should be as ungrateful as unreasonable, if I could insinuate that these delays were in any respect imputable to your Lordships: neither is it my wish to

impute blame to any: it is the effect, and not the cause, of which I complain. Yet, my Lords, if I might be allowed to expostulate with those, whose zeal animating them to exertions and to a perseverance, of which even in that body there are few examples, brought me to the situation in which I now stand, I might plead, and surely without offence, that the rights and interests of the people of this kingdom, and the honour of its Crown, which were the great inducements stated by the Commons of Great Britain, for calling together its highest Court of Judicature to sit in trial upon me, are at least as much concerned in their using the same exertions to promote the course of that trial, and to bring it to an issue.

“ My respect forbids me to say more on the subject, nor should I have said so much, but to make it evident to your Lordships that, whatever causes of delay have occurred, or may in future occur, in the course of this trial, if it can be supposed that I would willingly be instrumental to my own wrong, neither have been, nor shall be in any wise imputable to me; in proof of this, I may allude to, but need not specify, the many constitutional, and even personal means, to which I have had recourse to accelerate the progress of the trial, and remove every obstruction to it.

“ That I might not again urge a request to your Lordships, which it might not be in your Lordships’ power to grant, I have profited by the error which I have been told I committed in the petition which I last year presented to your Lordships, and have addressed an humble petition to His Majesty, praying that he would be graciously pleased to permit your Lordships to continue to sit till the close of the trial. •

“ I rely with a perfect confidence on His Majesty’s gracious disposition to grant my prayer, and in that case, I do assure your Lordships that every possible means shall be used by me, and by the gentlemen whom you have given me for my Counsel, to bring my defence to a speedy conclusion.

“ If, which I reluctantly suppose, it shall be deemed unreasonable, or for causes which cannot fall within the scope of my limited comprehension, improper, I do most humbly and earnestly entreat your Lordships, in that case, that you will afford me as many days as may be necessary to bring the present article to a close, and to allow my Counsel to sum up the

evidence, while it is yet recent in your Lordships' recollection."

A short conversation took place on the subject of the prorogation of Parliament, being the desire of Earl Stanhope that Mr. Hastings should have an opportunity of examining a witness, who was now in England, of the advantage of whose testimony he would be deprived, if the Parliament should be prorogued speedily.

The House adjourned.

Thursday, 7th June.

The order of the day having been moved for the House to resolve itself into a Committee on the New Forest bill, the House went into a Committee accordingly.

The preamble having been read,

LORD PORCHESTER rose to observe, that whenever bills, particularly affecting the rights of the Crown and the interest of individuals, were introduced into that House, it was usual to have His Majesty's consent signified, as well as the consent of the individuals concerned. He wished, therefore, that the noble Secretary of State, or some other person, would rise and inform the Committee, whether the Crown gave its consent, and in what manner such consent had been signified, and also whether the opinions of the several parties interested had been collected, and their consent also obtained? His Lordship made several remarks on the preliminary steps that had been taken to inquire into the whole state of the Royal forests, and to report on the same in two Parliaments.

LORD GRENVILLE declared he had no difficulty in saying, that if it were an important omission not to have formally signified His Majesty's consent upon the present bill, that omission was imputable to him; but the reason of it was, that it was deemed wholly unnecessary; the message formerly sent by His Majesty, on which the act of Parliament was founded for appointing Commissioners to inquire, &c., being considered as extending to the present bill, and if that should not be deemed sufficient, it need be no impediment to proceeding with the

bill, as His Majesty's consent in form could be given in a subsequent stage of the bill.

Lord STORMONT said, he rose not then to enter into a discussion of the clauses of the bill, but to exercise a right common to every one of their Lordships, viz. to desire the clerk to read two or more clauses of the former act, which he would point out, in order that the Committee might see whether the foundations of this most extraordinary fabric had been made according to the rules prescribed in those clauses, and whether the rest of the fabric had been constructed as those clauses directed.

The clauses having been read,

Lord GRENVILLE rose again, and said, he had consulted those who should very well know, and who thought His Majesty's formal consent was not necessary. If it was, he well knew that it was the rule in the other House that His Majesty's consent might be given in any stage of a bill, and he believed the same rule obtained in that House likewise.

Lord STORMONT said, it was most irregular to proceed with a bill immediately affecting the rights of the Crown, without having first obtained the consent of the Crown.

Lord GRENVILLE said, no such objection had been taken on the second reading, which was the proper stage to have made it in. His Lordship said, he should be sorry to do any thing that could be derogatory to the rights of the Crown, or appear disrespectful to the Royal person; but that he was not only of opinion himself, but that opinion was confirmed by the judgment of persons of undoubted authority, that His Majesty's former message included the consent of the Crown to the bill then before them.

Lord RAWDON contended, that the special consent of the Crown was necessary, before their Lordships could, with decency, proceed one step with a bill, the object of which was, to sacrifice the rights of the Crown in any degree. His Lordship dwelt on the nature and object of the bill as highly important, and said, that the mind of the Royal person ought not to be subjected to the pressure of hearing, that a measure affecting the rights of the Crown had received the countenance of Parliament before the consent of the Crown was required. The honour and dignity of the Crown were materially interested in

the bill, and their Lordships ought to know, whether it had His Majesty's spontaneous and free consent before they proceeded.

The LORD CHANCELLOR supported the objection, and gave it as his opinion, that according to the regular forms of the House, founded on the wise usage and custom of Parliament, in any bill affecting the rights or interests of the Crown, the House ought not to stir a step without the consent of the Crown, fully and explicitly announced. He thought the bill ought not to have been read a second, without the consent of the Crown having been signified, the objection however had then passed unnoticed; and now they were proceeding another step, and attempting to pass by the objection. He observed, that to have passed by an objection through accident or inadvertency, was one thing; but to pass it by, when the objection was stated, and the irregularity had been remarked, was a case very different. His Lordship animadverted on the clauses of the former bill, which had been read at Lord Stormont's desire, and pointed out their separate and distinct object; the one, he said, gave an authority to three gentlemen, by name, as Commissioners of Inquiry; the other a judicial authority, by which the Court of Exchequer under their Seal, might issue a commission of a much higher nature. His Lordship professed his sincere attachment to the Crown, and his serious regard for its rights and prerogatives of every sort whatever, for which that House, he said, were at all times bound to manifest their respect. But if ever there was a moment, when it was peculiarly necessary to shew the utmost attention and respect for the Crown and all that belonged to it, this was undoubtedly that very moment. His Lordship contended that no consideration of hours, or days, that might be lost before they could proceed regularly, with His Majesty's consent, could weigh in the scale against the mischief of appearing in the smallest degree to relax in the just and necessary attentions due to the Crown.

Lord GRAHAM (Duke of Montrose) said, no one of their Lordships had a greater attachment to the person of His Majesty, and to the rights and prerogatives of the Crown, than he had; but he should not have thought it necessary to make such a declaration, if the noble and learned Lord did not take every

opportunity of shewing that he thought he had an exclusive right to a monopoly of declarations of his respect for the Crown. With regard to the objection, it could not be made in a Committee, and the not having made it at the second reading of the bill, convinced him that the objection had been purposely reserved for that stage, in order to defeat the bill. He advised them to go on, and at the third reading, if the consent of the Crown were necessary, he said, it might be made, but he thought it was unnecessary. He spoke of the bill as a measure highly satisfactory to His Majesty; and therefore those noble Lords who insisted on the objection, would, he said, shew their disrespect for the Crown, instead of their respect.

Lord STORMONT rose to clear himself from the imputation of entertaining disrespect to the Crown; he did not by any means suppose any one of their Lordships felt the smallest disrespect of that sort, but he would put that respect and reverence, which they all professed, to the test, by proposing to adjourn the Committee during pleasure, and then the noble Secretary of State, if he had any such authority, might signify His Majesty's consent to the bill. His Lordship moved the question of adjournment accordingly.

Lord GRENVILLE said, in point of respect and reverence to the Crown, he would yield to no man, but that profession was best fulfilled by doing his duty in that place. His Lordship said, he had stated, that according to his understanding, the King's consent was already given, but he must contend, that neither in that House nor the other, was it by any means uncommon to give that consent in a future stage of the bill, and therefore he should oppose the motion of adjournment.

The Duke of CLARENCE said, he had been called away by other business when the bill was debated on the second reading, but he had stayed while the common business was gone through, and he had not heard any message from the Crown; he concluded therefore, that the consent of the Crown had not been given, and as their Lordships might well consider him as a supporter of the rights of the Crown, he thought they ought not to proceed without the consent of the Crown to a bill, in which it must be acknowledged the rights of the Crown were materially interested. For these reasons, he

should concur with the noble Viscount in his motion of adjournment.

Lord PORCHESTER again entered into the argument that it was necessary for the consent of the Crown to be signified previous to their Lordships proceeding farther with the bill.—His Lordship referred back to the various circumstances which had attended the subject from the period of its having been three years since recognized by Parliament, and maintained that His Majesty not only had not signified his consent, but that it had been impossible for him to have made up his judgement upon the subject, not having the necessary materials before him, to enable him to form a judgement. He stated the provisions and directions contained in the former bill, from which the clauses had been read, and said those provisions had not been complied with; no such commission, as the former bill directed under the Seal of the Court of Exchequer, to enable all interested in the New Forest, to come in and state their claims, having been issued. Had that been the case, the rights of the subject would have been ascertained by a jury, whereas their rights were, under the present bill, to be decided by an arbitrary sale. They would have known also, had such a commission issued, what were the real rights of the Crown. They likewise had not, his Lordship said, all the reports of the Commissioners of Inquiry before them, and in those reports which were up in the table, their Lordships would find, that the Commissioners stated and advised a mode of proceeding, which would have enabled the Crown to know its rights. Instead of adopting this mode, their Lordships had a bill before them, framed by he knew not whom; but who in framing it, clearly had not obeyed or followed the directions of the Commissioners. Lord Porchester concluded with declaring, that His Majesty had not had proper materials before him, to enable him to form a judgement, and give a sound and wise consent.

Lord Grenville and Lord Carlisle rose together, but the former declaring, that what he had to say might save their Lordships time, he was heard first.

Lord GRENVILLE then reminded their Lordships, that he had already stated as the reason for not having taken the necessary steps for obtaining the formal consent of the Crown,

that he believed it to be altogether unnecessary. It was not, he said, as far as he knew, the order of Parliament, either in that House or the other, to require the King's consent to such a bill in one stage in preference to another; but as he found that a contrary opinion prevailed in the minds of many noble Lords, and as he did not wish to proceed but upon the clearest grounds, and so as to satisfy every noble Lord, that the utmost respect and deference to the Crown were studiously attended to, he would withdraw his opposition to the motion of adjournment. Lord Grenville farther explained, that although His Majesty's Ministers, in compliance with their ordinary duty, had not presumed to introduce such a measure into Parliament without having communicated it previously to His Majesty, and humbly stated it in its fullest extent; yet, although it had received the Royal concurrence, he had not any authority formally to signify the consent of the Crown, but he had no doubt that agreeing to the adjournment would occasion but a very trifling interruption, and therefore, after the noble Viscount's motion was carried, he said, he would move to adjourn the farther consideration of the bill to the next day.

The Earl of CARLISLE rose merely to observe, that although the Committee was not the proper stage of the bill to receive the notification of the consent of the Crown, it was peculiarly the fit place for the question to be asked, whether the Crown had consented or not? And therefore the question ought to be answered, before they proceeded any farther.

Lord STORMONT's motion was agreed to; and then Lord Grenville having moved, that the farther consideration of the bill be adjourned till this day, it was ordered, and the House immediately adjourned.

Friday, 8th June.

Lord GRENVILLE, after expressing his attachment and gratitude to the King for his favours, and supporting the observations which he made on former occasions in the progress of the present bill, signified in due form, His Majesty's consent to their Lordships proceeding in the bill in question, in such manner as to their judgement shall seem meet and expedient.

Lord GRENVILLE moved the order of the day, which was for submitting the National Debt bill to a Committee of the whole House. Ordered.

Lord CATHCART took the chair.

The Earl of LAUDERDALE said, he was in hopes that he should not have seen this bill after what had already been said upon it. He was in hopes that Ministers would have taken a lesson from experience—would have profited from what they heard in that and the other House, and that particularly they would have given credit to the sentiments expressed by a noble and learned Lord (the Chancellor), whose merit in his public character was soon to be lost to the public; but still in spite of opposition it seemed they persisted in their error. The bill now before the Committee was so bad in its principle, and so mischievous in its tendency, that the more it was debated, the more would its evil nature be manifest; and in that view, perhaps, there might ultimately some advantage be derived to the public from its having been discussed so often. If he could not cast new light upon the subject, he would console himself with the thought that it has often, and may again happen, that what reason cannot effect may be gained by perseverance. He had heard great disputes upon the deference that was due to the opinion of our ancestors. Some were afraid of exercising their own reason if it militated against opinions of antiquity, while others, and he among them, thought, that as mankind advanced in civilization, their minds enlarged, and that therefore we should trust every thing to our own opinions—formed upon experience, and never arrive at any conclusion but upon well-known and established premises—but above all, never by any thing we do to preclude the possibility of judging of future expediency from the combination of future events. The present bill was directly opposite to this principle, and therefore in itself unwise. This mode of legislating for posterity he considered entitled to ridicule and contempt. He wished to know upon what principle Ministers took to themselves such a share of merit, as to be so superior to any defect as to continue the opinion, and obtain the confidence of the present, but also to dictate to future Parliaments the mode in which the affairs of the people of this country shall be managed. If we looked into the journals, we should find but awkward specimens of

their infallibility, which could alone entitle them to all confidence. Nothing was to be seen but bills followed up by bills to explain and amend, to alter and improve, to remove doubts, to render more effectual former regulations—In short something very different from a complete system of legislation.—Even the bill now before the Committee had a good deal of this character. Brought in at the other House, committed, altered, renewed, recommitted, and amended. Sent up to their Lordships, altered again. Sent again to the Commons, and now returned. These things he only noticed to prove that our present Legislators were not arrived at that degree of wisdom where improvements was impossible, and therefore that we were not entirely free from arrogance when we were legislating for posterity. He then took up the tendency of the bill which, he said, would tend to diminish public credit. He observed, that the Minister at the opening of the present session of Parliament stood solemnly pledged to reduce the four per cents. if it could be done to the advantage of the Public. That advantage had offered itself, and it was neglected, by which the Public lost upwards of two millions of money. The excuse was, that there was a probability of gaining more.—This was a bad principle, for it shook the basis of public credit. He did not charge Ministers with dealing in the funds for their advantage, but he charged them with establishing a precedent of speculating in the funds for a supposed probable benefit, which afterwards changed into a loss. He objected to this bill upon the same ground; it was a bill of speculation, and in that view wrong in principle. It was coming to a conclusion, without means of knowing our premises. It was legislating in the dark. He objected also to this, upon a contingent consideration. Suppose, for instance, that in a few hours after this bill shall have received the Royal Assent, Parliament shall be dissolved—then the whole system of the sinking fund will be at an end. This was an indirect mode of giving the Crown a power to dispense with law. He had a right to suppose an extreme case, because it was possible; and if their Lordships passed this bill, the fact might turn out to be so. He should like to hear some answer to his objection. He moved, that the clause which operates as a legislation to posterity, should be omitted.

Lord GRENVILLE observed that this bill had already been debated so much at large on a former occasion, that it was unnecessary for him to enter much at length into the subject.— This bill was only an improvement on the million annual sinking fund bill, that was originally brought in to do what this bill would more effectually do. To prevent the future accumulation of the capital of the debt amounting to so high a sum as to endanger the state by a national bankruptcy. He never heard a person yet condemn that system, and this was only an improvement on it. This bill would prevent us at any time from pursuing a war to a destructive length, by the facility of borrowing money, without providing means for the payment of it. Without such a measure, it might be possible for this country to go on in a state of intoxicated success for a time, to conclude, perhaps, a glorious peace, and yet the whole might soon be followed up with a national bankruptcy; the country not having means to discharge the debt, which such a peace might occasion. The question then was, whether there was a rational probability that such a situation might occur to this country, if that was decided in the affirmative, he trusted the Committee would see the propriety of the clause in question. The bill did not impose that hardship on posterity, which some noble Lords seemed to apprehend. It did not provide, that at all events all surplus should in all cases be applicable to the reduction of the debt solely. That might be governed by other considerations, and under various circumstances of the case, as it might from time to time appear expedient. Taxes might, in certain cases, hereafter be reduced, as they already had been. If the system of the annual million for the sinking fund was wise in the first instance, it was equally wise in this. As to the objection of binding posterity, it was well known no act could be passed that would have that effect. All that was here meant was, that hereafter money could not be borrowed without providing for the payment of it immediately, or calling the attention of the Public by a solemn repeal of an act of Parliament. As to the observation made on the neglect, as it was called, of the Ministers, in not reducing the four per cents. at the time they were at 96, he could not see where the blame was. The loss was stated at near three millions. The truth was, there was no loss, for it was what the Public never

had the possession of; and had the advantage been taken, it would have been only a temporary advantage, and Ministers would have been blameable for that speculation. The rise in the three per cents. which was in the contemplation of Ministers, was a permanent rise, which it was intended, and would, he believed, be effected by the system of the present bill; and on that idea it was that the four per cents. were to be reduced. As to the last objection, which was, that in the contingency of a dissolution of Parliament, there might be something tantamount to a dispensing power in the Crown, he must first observe, that it was a case of so extreme a nature, that there was but little chance of its occurring; and if ever it should, it would operate only for forty days, that was, for the time in which it could be said there was no Parliament. He dissentied from the motion of the noble Earl.

Lord RAWDON said, he little thought that the ghost of the last bill, agitated in that place, would have again made its appearance there; but he was deceived. The noble Secretary of State had said, that the present was of the same principle with the bill which had been so generally applauded—the bill for appropriating a million annually for the reduction of the national debt. This was not the case. What was the principle of the former bill? A specific proposition for a specific purpose, applied to a specific object. What was the principle of the present bill? An indefinite provision for an indefinite object, to govern indefinite circumstances. But there was nothing in it that could bind posterity; that, he knew perfectly well, was impossible, and therefore he had no anxiety about it; but it was the silliness of the thing, and the ridicule which would attend it, that he wished to avoid. It was the contempt of posterity that he wished to escape, and what could be more contemptible than that Parliament should shew a disposition to do what they knew they could not do; what they acknowledged they could not do—bind their posterity. But this was only the outward shape of the thing. Its internal quality was very different. The real purpose of the bill was to fetter a future Administration, in order to obtain a temporary popularity for the present, who, before they pretend to lay down rules for the guidance of the proceedings of their successors, ought to be a little more accurate in their own. Last session, he had called

on them to meet him in an inquiry into the state of the finances of this country ; they shrunk from the investigation. He would not say that he had shamed them, but he had stated what ought to have shamed them. After all that had been said upon our flourishing finances, the increase of our revenue, the real truth at this hour was, that after nine years profound peace, our peace establishment had actually increased one million three hundred thousand pounds a year ; and that too exclusive of our wretched, miserable, and ridiculous armaments, by which not a shilling profit, nor a spark of glory, was obtained to Great Britain. This was the effect of all the wisdom and profound financial capacity of our Ministers. And this too at a time when almost all the Powers in Europe, except our own, were torn in pieces by commotions at home and abroad. His Lordship then returned to the clause in question, and decidedly disapproved of the principle of it, which, he said, militated against the true spirit of patriotism ; it might, perhaps, render the most glorious act in a free country unpopular, by fixing a stigma on the means of rewarding valour, which certainly might be the case, by rendering it difficult to raise money for the public service.

Lord GRENVILLE rose again to take notice of the noble Lord's having charged Ministers with having shrunk from the discussion of the objections stated some sessions since relative to the surplus of the revenue. He never would hear, his Lordship said, that he shrunk from any discussion, without rising instantly and making a reply. The noble Lord, in regard to the matter alluded to, had offered his observations in a Committee, and it being observed, that that was an improper place for him to state them in, had said, he would make them in the House, and he had himself risen, and answered them at length. His Lordship said, in his former speech he had intended to make some reply to what had fallen from a noble Earl, [Lord Lauderdale] relative to the reduction of the 4 per cents. but he had accidentally omitted to notice it, he would therefore then state his reply to that part of the noble Earl's speech. His Lordship read a passage from His Majesty's speech at the opening of the session, in which the attention of Parliament is required " to the state of the funds and of public credit, with a view to the reduction of the rate of interest

“ of any of the annuities which were redeemable,” and explained it by stating, that it did appear to Ministers highly probable, that in the course of the session such a measure, as a reduction of the 4 per cents. might be practicable, and it was deemed an honest and fair conduct with regard to the public creditor, to apprize him of a measure, which it was to be expected would have taken place. With regard to speculating in the funds, the noble Lords must know, that neither Government nor Parliament itself, could act upon the casual change of price that might accidentally occur, but must be governed by a permanent rise. It was true that stocks had fallen, and that an advantage might have been made, while they were at the highest, but his Lordship said, they were again getting up, and the same advantage might yet be gained for the public.

The Marquis TOWNSHEND rose merely to take notice of what Lord Rawdon had said in reprehension of the abolition of taxes. His Lordship declared, that the late reduction of imposts had proved highly satisfactory to the industrious poor in the county in which he lived, and acted as a Magistrate for the greatest part of the year. In his own and the neighbouring parishes there were at least fifty families, the heads of which sometimes did not use to see their wives and children above once or twice a week, till the taxes were reduced. He stated the reasons which occasioned their absence, and particularly complained of the late malt-tax addition, which prevented the labouring poor from brewing their own beer, and drove them to public houses, where drunkenness and every sort of depravity prevailed, to the great injury of those who depended on the labouring poor for subsistence. He mentioned the satisfaction that the repeal of the other taxes had also given, and the good effect they had produced; and as the end of all government ought to be the ease and comfort of the people, he thought Government should rather be praised than blamed, when their measures produced that salutary effect. The poor, he said, were not influenced by speeches in the newspapers, but their feelings told them when their happiness was promoted, and then they expressed their satisfaction naturally but forcibly.— His Lordship said he would leave the discussion of the other

topics, that had been touched on, to those noble Lords who were better qualified to handle them than he pretended to be.

Lord RAWDON said, he had not blamed the repeal of taxes, but reprobated the petty motives which had produced that measure. And in the present case he had spoken about the taking off two hundred thousand pounds of taxes, merely to guard against the incongruity of principle laid down in the bill then before the Committee.

Lord STORMONT declared, he had imagined, like the noble Lord near him, that the bill would not have again appeared, but *ecce iterum Crispinus!* He had flattered himself, from the rough manner in which he had been handled when he first came before their Lordships, that they should not have seen his awkward face again. However, being once more with their Lordships, he would once more talk to him. He rose to state his objections on a subject apparently almost exhausted, but he would say nothing more of the clauses in question, than that he conceived them to be inept, preposterous, futile, and nugatory. How His Majesty's Ministers could be so ignorant of the first principles of political wisdom, as not to know that their application could only be salutary and effectual, when governed by a close attention to times and circumstances, he was at a loss to imagine. He that attempted to adapt them to every circumstance that might possibly arise, would find himself miserably mistaken. Such an idea might amuse the fanciful philosopher in his closet, but would be rejected by every man who possessed the smallest share of practical experience. It was impossible that Ministers could believe that such a bill could have any real effect; they must know to the contrary. He declared he was at a loss, to what he was to impute so idle a project. He could not imagine it done for the purpose of catching a breath of the transient gale of popularity, by dressing up such a mock pageant for the populace to gaze at and admire. He put the case, that a Minister in future times found it necessary to discuss the bill, and its propriety; he stated, how such a Minister must reason upon it, and what he must say, when he had to remark, that it had not, when it passed, escaped observation; but that, on the contrary, it had been animadverted on by the wisest man who sat in the House of Lords on that day, or perhaps that ever had mingled

in the Councils of any state, in any period, or in any country, and had, by the forcible ridicule of that noble and learned Lord, been delivered over to eternal derision. After most severely reprobating the attempt to provide for circumstances which the present Ministers could not possibly foresee, his Lordship said, that day had afforded a strong proof how inapplicable the powers of eloquence were to matters of finance.

He then proceeded to examine Lord Grenville's defence of his brother Minister, for his conduct in regard to the not having seized the opportunity of reducing the four per cents. His Lordship contended, that the opportunity that had been lost was most probably irrecoverably gone, as stocks were not likely to rise again so high, at least for many months. He mentioned the circumstances of Europe as the grounds of this opinion, and said, he did not confine himself to the neighbouring States; but he would ask, did His Majesty's Ministers see nothing in the affairs of Poland that might involve this country in a war? Could we believe, that after Ministers had done so much to promote and encourage the revolution in Poland, which was such as to claim general approbation, that they should be indifferent to the present fate of Poland? Those who found it so necessary to vary their own principles, should be very cautious how they prescribed a constant rule for others. Besides, could Ministers, with all their foresight, pretend to assure them, that there was no probability of a war? Did they know that the navigation of the Dniester might never be disturbed, nor the Budjack Tartars molested? If they should hereafter embark in a war, the interest of the country required that it should not be terminated but by an honourable peace, and although every man knew that the loan necessary for the first year of a war, might be easily raised, infinite difficulties might attend the raising the loan wanted for future years to carry on the war, and few wars were ever ended in one year; but most of them, as history proved, had continued six or seven years, and sometimes longer. He recollected, that Cardinal Fleury, who was engaged in a war, which he did not himself wish, had said, that "the last half crown would carry it." So would it be with us; and he heartily wished the last half crown, whenever we were engaged in a war, might remain in our pockets; but he did not think the present bill the means of insuring it. In

fact, it reminded him of an act of one of the proudest monarchs that ever reigned in modern times; he meant Louis the Fourteenth, who, in the career of conquest, and drunk with the lust of ambition, being attacked by the irresistible influence of female persuasion, to make a will in favour of those who were termed the illegitimate Princes, could not resist, but saw the folly of what he had done, and said, "I have spent the day in
 " most laborious and important work, but although I have executed it with all the great solemnities the occasion required,
 " I am conscious that the work itself will not subsist half an hour after I am dead."

Lord MULGRAVE defended Ministers from the attacks that had been made on them by the noble Viscount, and other noble Lords who had spoken against the clauses. His Lordship said, if ever people had a right to record their experience, the present Ministers had at this time that right. Let the House recollect the circumstances under which the government of the country came into their hands. Let them remember the exhausted resources, the heavy burdens sustained by the people, and the enormous debt! They had conducted the country through all its difficulties, and the face of affairs had assumed a prosperous shape in their hands. They had provided an effectual system for the diminution of the national debt. Increasing prosperity had enabled them to carry the principle of that system farther than any man, a few years ago, thought it could be carried, and they were laying down principles for future times, which would operate as a warning at least, and could not be wantonly passed over, or trampled under feet. Such conduct he thought praiseworthy and wise. The present Ministers had a right to draw the line, and so far bind future Governments from incurring the danger from an enormously accumulated debt, that had been brought on the country by others, but which it had been their good fortune, from prudence and ability, to surmount. What was it but enabling future Ministers to say to the people, "You may have war if you chuse it, but if you will have war, you must pay for it?" Could any time, his Lordship asked, be more proper for such a measure than the present moment, when the country was emerging from distress? The country, he was persuaded, would not be cla-

morous for war, when Ministers could say, "If you will have war, it is you who are to pay for it, and not posterity."

The Earl of Lauderdale's amendment was rejected, and the bill passed the Committee.

The House adjourned.

Monday, 11th June.

Seventy public bills, and forty-six private bills, received the Royal assent, by virtue of a commission under the Great Seal.

Lord RAWDON moved the order of the day, which was for the commitment of the Debtor and Creditor bill.

Lord KENYON, after admitting the necessity of some measure being adopted to regulate the laws relative to debtor and creditor, and expressing a hope that some such measure should hereafter be brought forward, when there shall be time to consider it duly, expressed his apprehensions that it was much too late in the session to enter into it at present. He moved, That the Committee be postponed for a fortnight.

Lord RAWDON explained the reason why he brought this subject forward at the present time. He observed, that early in the present session he had mentioned the matter, and the necessity of coming to a decisive measure was then generally understood. He had known of a Committee of the other House being appointed to examine into the practice and effect of imprisonment for debt. Much time was unavoidably taken up in the progress of that inquiry, and very lately the honourable gentleman, who had taken such laudable pains on that subject, had found that it would be impossible for him to come forward with a plan of permanent regulation in the present session. He therefore came forward, not to supply the whole of that defect, but to endeavour to make a temporary regulation, leaving the great question to be fully discussed hereafter. Under this impression he had given notice of, and, as expeditiously as he could, he had afterwards framed the present bill; the nature of which, their Lordships would see, was as anxiously to guard against the fraudulent debtor, as to extend relief to the unfortunate. Here his Lordship enumerated the several cases of hardship actually felt, and hinted at what possibly might be felt from imprisonment for debt, both by debtor and creditor. His

object was, to do justice between both ; to compel a debtor to give up all he either actually did possess, or had any prospect of possessing ; but to prevent, that, under such circumstances, any unfortunate man, thus giving up all he had, or possibly could have, should, from the whim or caprice of the individual who might be his creditor, remain in jail for life. That no man, to gratify a perverse temper, on the one hand ; should have it in his power to keep his fellow-creature in prison merely on chusing to pay him fourpence a day ; or, on the other, that no man should go to prison for a debt, and, to the injury of his creditor, revel in luxury upon that property which ought to be given up to his creditors. The principle of the bill in question was, to give the Judges a power to compel the parties to do justice to each other.

The LORD CHANCELLOR admitted the justice of the sentiments of the noble Lord, complimented him on his humanity, and admitted the deficiency of the laws of imprisonment for debt. Even the bankrupt laws, which were to supply the deficiency of all others with respect to the creditor's right to a distributive share of his debtor's effects, were themselves very defective. He had sat in a Court for fourteen years, where all the affairs of the bankrupts in this kingdom were decided, and he found that in almost all of those that were contested, and where there were dishonest transactions, the fraud lay between the bankrupt and some or more creditors of his, to the destruction of the fair claims of the other creditors. This was an evil which experience taught us, that the bankrupt laws are not perfect. This bill appeared to him to have all the defects of the bankrupt laws, without the advantage which they gave for inquiry into the affairs of an insolvent debtor. This bill did not allow time for that inquiry, and in the nature of it altogether, that inquiry, to any effect, would be impossible. It occurred, indeed, to him that the whole question ought to be decided, and something definite should be agreed on, on this subject ; and he could not help observing that the reason that operated in the mind of the honourable gentleman who had moved for a Committee in the other House to postpone the subject for the present session, applied with at least equal force to the present bill. He allowed, indeed, that something should be done on this subject. He confessed, he thought that if

bonds for the payment of money, securities in the funds, and all that sort of property that a Sheriff could not levy upon, under a writ of *Fieri Facias*, and was generally called in substance property, would be made subject to the payment of a prisoner's debts, the law in that respect would be improved, and he thought that where that could be made out fairly, such a prisoner would be entitled to his discharge. But the difficulty was to fix and define the manner in which a debtor's property was to be subjected to the payment of his debts; and even in this point of view, there ought, in his mind, to be a distinction made between one sort of debt and another. For instance, where a debt might arise out of a verdict for scandal, or a verdict for adultery, or for any one of those immoral deeds, for which a man forfeits the claim he otherwise would have on the compassion of his fellow creatures, there should be no bill to relieve such a person. In fraudulent transactions too, when men get into debt, without the least chance, prospect, or perhaps intention, to pay, no man would say that such a defendant could be entitled to favour, in the view of a fair, honourable, impartial bystander, judging, without prejudice, between plaintiff and defendant. However, a great deal of discussion would belong to these things at a future day, and it was impossible to enter into them at present; he therefore trusted that, under all the circumstances of this bill, the noble Lord would not persist in pressing it forward, particularly as there was not the least probability of success in the present session, as it would have another House to go through, if their Lordships were to agree to it.

Lord RADNOR moved, that the bill for explaining certain acts relative to the passing of seamen and soldiers, be read a third time.

Lord SANDYS objected to the bill, as repealing an act of the present session.

The LORD CHANCELLOR said, if the bill were agreed to, it would form a precedent for subjecting the House to the greatest inconvenience, inasmuch as it would tend to prevent any business being closed, and leave those persons at liberty, who objected to an act, to endeavour by a new bill, to repeal it in the same session, which, in its turn might also have another bill presented for its repeal.

The Duke of RICHMOND urged the necessity of the bill, in order to correct the gross injustice of a clause passed inadvertently in the present session; a clause which absolutely went to punish, as vagrants, every sailor or soldier who might unfortunately be shipwrecked on the coast. An act of such injustice and cruelty, if passed but a single hour, he should not think a good reason against a bill for its correction.

Lord RAWDON said, that in point of form, he admitted the full force of the arguments which had been advanced against the bill by the noble and learned Lord on the woolsack, but even though the inconvenience to which the House might be subjected, by the precedent created by the bill before them, should be ten times greater than stated, he would rather give his vote in its favour, and subject the House to those inconveniences, than by withholding his vote render one soldier or sailor who might be shipwrecked on our coast, liable to the gross injustice and cruelty of being punished as a vagrant.

The question being put for the engrossing of the bill, their Lordships divided,

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The numbers being equal, the Lord Chancellor gave his casting vote against the bill.

On reading the order of the day for taking into farther consideration the New Forest bill,

Lord PORCHESTER presented a petition on behalf of sundry owners of land in the New Forest, stating that they had not had any notice of Parliament proceeding in this bill. That it will most materially affect their rights if passed into a law, and praying to be heard by Counsel against it, and to be allowed to adduce evidence at the bar of that House.

Lord GRENVILLE allowed, that when any parties, who were to be affected by any bill, complained of its operation, and offered to give evidence of the tendency of such a measure being injurious to their rights, such parties ought to be heard. Upon that principle he should assent to the prayer of the petition, whatever opinion he might entertain of the merits of the case, or of what he thought would appear in detail on the subject. The principle of the bill he still adhered to, and he believed that the petition in question made but a slender part of

the real subject before Parliament ; and he wished it to be observed, that something of the nature of this bill must be renewed in the next session.

Lord PORCHESTER made some sarcastic observations on the sudden discovery of the noble Secretary of State—that men complaining of their rights being violated, had a right of being heard. That observation being made before, had not the power of convincing him, as it did at present. His Lordship then enumerated the petitioners. He allowed, that forests ought to be appropriated for the service of the Royal navy ; because he was afraid we could not depend on any other mode of cultivating timber ; but he was persuaded that the present mode would not answer the purpose.

The question was then put ; and it was ordered, that the farther consideration of this bill should be postponed to this day three months.

On reading the order of the day, which was for the third reading of the bill to remove doubts respecting the rights and functions of Juries in criminal cases,

Earl BATHURST said, that from what had passed upon this bill, he could not expect their Lordships to be of his opinion ; but he could not suffer a bill which took away the rights of Judges so completely as this did, to pass, without delivering his sentiments upon it. In order that those of our posterity, who might think it worth while to refer to the memory of his name, or to his character or opinion, might really understand his sentiments, he begged leave to say that he protested against this bill, and was decidedly against its form and principle.

The bill was read a third time and passed.

PROTEST against passing of the Bill “ To remove doubts respecting the Functions of Juries in Cases of Libel.”

Dissentient,

1st, Because the rule laid down by the bill, contrary to the determination of the Judges and the unvaried practice of ages, subverts a fundamental and important principle of English jurisprudence, which, leaving to the jury the trial of the fact, reserves to the Court the decision of the law. It was truly said

by Lord Hardwicke, in the Court of King's Bench, that if ever these came to be confounded, it would prove the confusion and destruction of the law of England.

2dly, Because juries can in no case decide, whether a matter of record be sufficient upon which to found judgement. The bill admits the criminality of the writing set forth in the indictment, or information, to be matter of law whereupon judgement may be arrested, notwithstanding the jury had found the defendant guilty. This shews that the question is upon the record, and distinctly separated from the province of the jury, which is only to try facts.

3dly, Because, by confining the rule to an indictment, or information, for a libel, it is admitted that it does not apply to the trial of a general issue, in an action for the same libel, or any sort of action, or any other sort of indictment, or information: but as the same principle and the same rule must apply to all general issues, or to none, the rule as declared by the bill is absolutely erroneous.

THURLOW, C.
BATHURST.
KENYON.
ABINGDON.
WALSINGHAM.
JOHN BANGOR.

Tuesday, 12th June.

The House, upon the motion of Lord Grenville, resolved into a Committee on the Westminster Police bill, Lord Cathcart in the chair.

Lord LOUGHBOROUGH objected to the bill, and thought that when the importance of its nature and tendency was considered, it was impossible that any body could wish to have it passed through the House in a hurry, and at this late period of the session, when he understood they were within two days of the prorogation. If the immediate necessity for such a bill could be pointed out, he would be the first to support it, but that he could not see. He was perfectly aware of the present mode of conducting the Offices of Police in Westminster, and the profits arising to those who were employed as Justices in

one Office. He knew that the fines from forfeited recognizances amounted to 800l. in one year. He thought the Police of Westminster might be on the same footing with other parts of the country, where the respect which attended the character and name of a Justice of Peace, and the influence he had in the country about him, was very considerable. In consequence of this circumstance it had always been a situation that gentlemen had acted in without salary, and were happy to have it in their power to do that good which their commission gave them. Instead of appointing additional Justices in this way, the present bill went to appoint twenty-one inspectors of the Police, at 400l. per annum. He entered into a history of the Bow-street Office, since its institution, and noticed the Rotation Offices which had since been opened, and which he wished to be suppressed, because the impropriety of their proceedings in many respects put them in a very bad point of view from their rivalry to obtain business merely for the emoluments; and though he was averse to go into any detail of their proceedings, he would not hesitate to call them rival shops. He was of opinion that some scheme might be thought of that would answer all the purposes, and not be attended with any of the bad effects which he dreaded from that bill. Tradesmen of character might be found that would accept the Office of Justices in a district of several streets in their neighbourhood. They would know the parties in any disturbances that might arise within that district, and would always be resorted to. This they could do without materially affecting their other employments, and would completely do away the trading Justices. He noticed the long space of time which had elapsed, without a commission for a Lord Lieutenant of the county being made out, and submitted it to their Lordships, whether a person of high rank and character might not be found to accept that Office, and do the duties of it, in which case he thought the best way would be to postpone the present bill till next session, and try whether a sufficient reform might not be made, to render it unnecessary. There was one clause in it, which he thought by far too loosely expressed, wide in its extent, and anomalous in the law of the country; but trusting that the bill would not be pressed on the House that night, he reserved what he had farther to say on the subject.

Lord SYDNEY replied, and thought the bill should be passed as soon as possible; the daily assaults and robberies in the streets, which their Lordships were no strangers to, pointed out the necessity of it. It had been his lot to have many schemes of the same kind proposed to him, and they had generally been put off upon the idea of waiting another year, and trying the effect of such remedies, as could be applied consistent with the present laws—those had always proved ineffectual, and therefore the sooner that the bill passed the better, any alterations or amendments of it that seemed necessary could afterwards be made.

Lord RAWDON was of opinion that some provision should be made for a more effectual police than we had at present in the metropolis, but was convinced that at this late period of the session it was not prudent to conclude upon a measure of so much importance. He observed that this objection was thought fully sufficient by the House yesterday, when he urged the progress of a bill of as much importance as this, a subject which he would say deserved the most serious attention of Parliament; he meant the law between debtor and creditor; law he could not properly call it, but it was a practice which he could only describe by saying it was a perversion of law, to the great grievance of the subject. He objected to this bill thus generally upon the lateness of the session. There was another objection, and a particular one, to a clause in this bill, supposing the rest to be right, upon a general principle. He meant the clause which authorised the taking up of any reputed thief. He wished to know how that was to be defined; the term was much too loose and indefinite, and their Lordships would, if they agreed to this clause, rest the character of every inhabitant of this metropolis on the opinion of a constable; and men might be frequently disturbed in the pursuit of business of the most essential importance at the will and whim of a petty runner of a Rotation Office.

Lord LOUGHBOROUGH protested against the principle of extending this bill to any part of the kingdom but the metropolis. He saw a great necessity for a much more vigorous and effective police than we had at present in Westminster.—He approved in general of the plan of the present bill, supposing that a stipendiary system of Magistracy was unavoidably neces-

sary. This, however, he doubted, and he thought, that after hearing all that could be urged on the subject, the officers of the Crown might deliberate in the recess, and at the opening of the next session be prepared with a plan, which would admit of a liberal, honourable, independent, gratuitous system of Magistracy. However, if their Lordships despaired of success upon that view, he saw much propriety in many of the provisions of the present bill. The bill being generally a good one, supposing a stipendiary system an unavoidable one, he would not dissent from it, if it could be proved to be the only practical improvement of the police; but the question seemed to him now to be considered, was, Whether this system, on the face of it, bore such evident marks of utility, as to render farther investigation of the subject unnecessary, and to justify their Lordships in adopting it at the present season?

Lord KENYON saw great difference between this bill and that respecting debtor and creditor postponed yesterday. That, indeed, although brought in from the best intentions, from the most honourable feelings, and humane motives, appeared to him, in its present form, to be wholly inadequate to its object. But the present measure appeared of a different nature to his mind, and he was ready to acknowledge, that for Westminster, and those parts for which the bill provided, there seemed to him to be an unavoidable necessity for a stipendiary system of Magistracy. He knew it had been often said, that under certain regulations, gentlemen of independent fortune might act for the metropolis in the character of Magistrates, as they did, so much to their own honour, and so much to the advantage of the Public, gratuitously; but he must confess he was tired of expecting it. Many attempts had been made to that effect, but none of them had succeeded. It appeared, therefore, that there was a necessity for some stipendiary system; the question then was, whether this was a proper system? and in that view he was of opinion there was much utility in it. As to the clause empowering constables to take up reputed thieves, he saw nothing against the liberty of the subject in it. The constable could not act *ad arbitrium*. By this clause witnesses were to be examined; and if a person thus taken up could give a good account of himself, he would be entitled to his discharge; and if Magistrate and constable acted so as to oppress any in-

individual, they would be subject to an action. The principle of this clause was not new. Here his Lordship took notice of many acts of Parliament from *Magna Charta*, and another act which might be called a *New Magna Charta*; and perhaps a greater blessing to the subject than the old one—he meant the *Habeas Corpus* act. Even in this act a difference was made between persons of good reputation and suspicious persons. It was not altogether new in practice in this metropolis, for he believed that the watchmen of St. George's parish had a practice something similar to the spirit of this clause, and many actions had come before him upon that practice, and the jury had manifested their regard for good order, and had protected these watchmen in cases where they had only enforced the law, and had given damages where there appeared to be any violation of the principles of justice, in the taking up or detaining individuals. He thought this, like other human labours, imperfect; but he thought its merits much greater than its defects, and therefore he was bound in justice to support it. The defects might be amended after they were clearly seen, as the whole was only a matter of experiment. He thought the system altogether such as was entitled to their Lordships' confidence.

The Duke of LEEDS was convinced of the necessity of amending the state of the Police of Westminster; the increase of houses, and of the number of inhabitants required it. Perhaps indeed the Police was so defective that an amendment would not be adequate, and that an entire new constitution should be made, similar perhaps to that of the city of London. However he had no specific objection to this as a matter of experiment.

Lord SYDNEY doubted whether altogether the Police of the city of London deserved to be considered as a system for imitation. There were in the city houses as bad receptacles, as infamous, as any in the county of Middlesex.

Lord GRENVILLE entered at large into the merits of the bill, and approved of it as being, in his opinion, the best system of police that had been yet offered. He took notice of the defect of the present system (which for the last two years he had the pain to observe as Secretary of State) and noticed some late shameful proceedings; the whole tending to convince him of the necessity of the present measure. He made his acknow-

ledgements for the liberal manner in which the whole of the subject had been treated by all parties. He hoped that the late-ness of the session would be no objection to this measure passing. Rather than that should be an impediment, he, for one, would consent that it should be continued for the sole purpose of discussing this subject, if noble Lords thought that it ought to be still more fully discussed. It was to be remembered that this was only a matter of experiment, and that, properly speaking, this was not a bill to remedy all the defects of the Police of this metropolis, but a measure calculated to afford means to discover what will be the best mode of forming a Police that will be as near perfection as the infirmity of human sense can admit. It was a measure adapted to the purpose of making us wise by experience, and he hoped that in that view it would appear to merit the confidence of that House.

The LORD CHANCELLOR approved of the clause, empowering constables to take up notorious thieves. It was not new in the principle of the law; It was known even before our statute law. In the earliest times persons of suspicious appearance were taken up, and kept in custody until they either explained their character and way of life, or gave security for their good behaviour towards the Public. This was a right that the peaceable part of the community had to support. To quiet the alarm of the peaceable citizen, to remove his apprehension of danger, either to his person or to his property, was what he had a right to expect from the law; and a person, who from his general character, his habits, his appearance, and all the circumstances attending him, inspired the peaceable subjects with reasonable apprehension of danger, should be called upon to remove the cause of that apprehension; this was the principle of this clause, and he felt himself prepared to assent to it. There appeared to him no difficulty in the case, nor did it lead to any probability of hardship. It was not enough for a person to be a thief, but he must be a person within three distinct points of description combined.—He must first be a reputed thief (a term exceedingly well known at Bow-street). He must be seen in a certain condition, in public, and from his posture and conduct, known to be intent on committing felony; and he must, when taken up, be unable to give a good account of himself; a class of citizenship that

fairly brought him under the meaning of what the Legislature had repeatedly denominated, and what the 17th of Geo. II. which was nearly a compendium of all the rest, called a rogue and vagabond. This clause dealt with this person as a rogue and vagabond, and had his full assent. With regard to the remainder of the bill, he could not approve of it altogether; he rather thought the old system with, perhaps, a little regulation, might be better than this plan.

The Earl of Aylesford and Lord King supported the bill, which was then committed and passed the Committee, and the report was ordered to be received to-morrow.

Wednesday, 13th June.

Counsel was heard on the Bristol Jail bill, and being withdrawn, the bill was read a third time and passed.

The Westminster Police bill was, according to order, read a third time and passed. The House adjourned.

Thursday, 14th June.

Lord GRENVILLE moved, "That an humble address be presented to His Majesty, praying that he will be graciously pleased to give directions that such improvement may be made in this House as shall appear to be requisite for the convenience and accommodation of the Members thereof." Ordered. The House adjourned.

Friday, 15th June.

His Majesty came to the House, and being seated on the throne, the Gentleman Usher of the Black Rod went to the Commons to demand their immediate attendance, and being returned with the Speaker and Commons to the bar, the Speaker addressed His Majesty in a speech. [For which see the proceedings of the Commons on the last day of the session.]

Then the Royal assent was pronounced to the National Debt bill, and to seventeen other bills.

After which His Majesty was pleased to make a most gracious speech to both Houses of Parliament. [For which see the Proceedings of the Commons on the last day of the session.]

Then the Lord Chancellor, by His Majesty's command, prorogued the Parliament to the 30th day of August next.

T2S .

